AN ANALYSIS OF THE SYSTEM OF GOVERNMENT THROUGHOUT THE BRITISH EMPIRE

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INTRODUCTION*

It has been estimated that the Empire of Rome at the height of its power covered 1,600,000 square miles of territory and was acknowledged by about 85 millions of subjects. King George V. reigns to-day over 11,400,000 square miles of territory and over a population of 410 millions. The British Empire therefore surpasses the Empire of Rome—the only true Imperial precedent—by a margin infinitely greater than that which separated Rome from the Eastern dominations which preceded it. It far surpasses in extent, in wealth and populousness any which Napoleon saw in his dreams under the Egyptian stars. It differs moreover from every Empire which has dominated the world in the fact that its territory is not continuous, or even relatively continuous. Its ramifications embrace every continent, its interests are paramount on every sea.

The expanse of its territory is matched only by the complexity of its organisation—a complexity which is amply demonstrated in the succeeding pages. This complexity is not entirely due to the haphazard manner in which the Imperial power has been built up, now by the fortune of war or the exigencies of strategy, now by the need for securing order in outlying territories, now by the natural expansion of a virile people. It is due at least as much to the fact that the constitution, or rather the constitutions, of the Empire reflect every dominant phase of the British genius. The genius for peopling and developing the waste places of the earth, the genius for winning the loyalty of conquered peoples by fair and generous dealing,

* Founded on articles which have appeared in Nos. 4 and 5 of "The Round Table," *Colonial Neutrality* and *The Congestion of Business in the House of Commons.*

the genius for establishing order and clean-handed justice where before were anarchy and oppression, the genius for finding material advantage in apparently quixotic altruism, the genius for reconciling the largest individual liberty with a genuine, if vague, Imperial ideal—all these animate and inspire the institutions analysed in the subsequent part of this volume. There is no trace of a machine-made system imposed by conquerors upon the conquered. The institutions of the Empire are the product of the genius of one race manifesting itself freely in the face of different dangers and difficulties, amid different material surroundings and in different political atmospheres. The symmetry and accurate balance of a machine are incompatible both with the varying needs and varying possibilities of an Empire which is literally world-wide, and with that principle of organic growth which is the only trustworthy guarantee of its toughness and cohesion.

This is not the place in which to enquire whether the strength derived from the unconscious processes of organic growth is ideally preferable to the conscious forcefulness of organisation and discipline. It is sufficient for the moment to notice that in virtue of its very nature our static empire is vitally interested in the maintenance of the *status quo* of the world. It is not a fighting machine.

It is inconceivable that its powers should ever be used for any aggression except such as is necessary for self-defence. But it is idle to hope that it can continue on its chosen road of peaceful progress and development without making collision with the interests or the pride of other political organisations. So vast a Colossus cannot bestride the seas without creating a sense of oppression in those whom it overshadows. Its mere presence on the world's stage, often in apparent inertness, inevitably helps to shape the course and to decide the issue of every diplomatic dispute. There is not a progressive Power whose ambition it does not seem to stifle, whose development it does not seem to check. In every quarter of the globe its mere

subsistence is a standing challenge to rivalry in the arts of peace or of war. There is hardly a spot on the earth of which it can be said, "Here, the British Empire has no interest to further or to protect."

In days when our naval supremacy is systematically challenged in home waters, when Japan has already proved her strength against the formidable power of Russia, when even sluggard China shows signs that she may stir her giant limbs, such considerations as these must be of paramount concern to every citizen of the Empire. But if to them the cohesion of the Empire is a question of national life and death, to the world at large it is a matter of no light moment.

The existence of the Empire is an absolute guarantee that one-fifth of the whole world shall be at peace within itself. So long as its fleet is too powerful for challenge, it provides a guarantee that its millions of subjects shall be at peace with the rest of the world. It is no small thing to the world at large that India and Egypt enjoy internal peace, good government and clean justice. It is no small thing that the great Dominions can develop their untold natural resources undeterred by the tramp of armies or the threat of alien interference. Were the Empire to fall asunder through the shocks of war or the subtle and silent processes of internal decay, the world would be filled with doubts and questionings, and worse. No other Power is in a position to do its work, to police the seas, to rule equitably those incapable of self-government, to steady by sheer bulk the restless animosities of the nations. No other Power could secure the triumph of order and progress or the maintenance of a Pax Britannica over a fifth part of the surface of the earth. The downfall or disruption of the British Empire would be the most stupendous event of history—an event which would shake the world to its foundations.

An Imperial war would be an event only less momentous than Imperial disruption. There is no alternative to a Pax

Britannica which embraces the world, except a Bellum Britannicum which would rend the world in two. The first spark may be struck in some remote corner of the earth, but the conflagration which it fires may rage over five continents. Its progress certainly cannot be checked by the fiat of any Government of the Empire.

This indeed is not an opinion universally held. The contrary principle has been clearly stated on many occasions by Canadian and Australian statesmen—most recently by Sir Wilfrid Laurier in the debate on the Declaration of London in the Imperial Conference, when he said:

> "We have taken the position in Canada that we do not think we are bound to take part in every war, and that our fleet may not be called upon in all cases."

On any known theory of international law there can be but one answer to statements of this character. The citizens of the Dominions are subjects of His Britannic Majesty, and their territories are part of his dominions. When he is at war, they are at war. In many of the minor campaigns of the Empire, this status of belligerency is no doubt more technical than real, but in a first-class war, when the deadly struggle sways from side to side of the world-wide arena, every portion of the King's dominions "takes part," in the sense that when one is at war, all are at war.

The fact is that any departure from an attitude of perfect impartiality is "taking part," *pro tanto*, in the war, and any "taking part," however passive, involves the possibility, and indeed probability, of being drawn into more active participation in the struggles and sufferings of an empire which may be fighting for its life. It follows, therefore, that a dominion can only carry out the declared policy of "not taking part" in a war in which it does not wish to be involved by adopting the same attitude of strict neutrality as do foreign nations. For international law recognises no middle position between whole-hearted belligerency and absolute neutrality.

This dilemma has been recognised, and indeed proclaimed, by a certain school of thought. According to this school, strict neutrality is the proper attitude for the Dominions, and an article in the Pretoria *Volkstem* of July 4, while advocating this attitude on grounds of policy, argues as follows for its legality:

> "The South African Constitution of 1909 is in full accord with the theory that neutrality is permissible in the case of a war in which England or any other independent State of the Empire might be involved. . . . It is wholly incorrect to think that in case of England making war all self-governing British States are automatically involved. An express declaration or Act from the different Colonial Governments is essential before any neutrality can be broken."

This doctrine of neutrality seems indeed to be the only logical basis for the policy of not "taking part" in any war, and the only possible way in which a Dominion can refrain from "taking part" in an Imperial war.

Let us consider for a moment what this means. It means that the Dominion may render no assistance or comfort to the Imperial forces. Imperial warships, if allowed to enter the Dominion's harbours at all, must leave at once after taking on board the bare *minimum* of supplies sufficient to carry them to the nearest British port. The vessels of the Dominion navy must remain idle spectators while isolated detachments of the Imperial fleet, or merchant ships belonging to other Dominions and flying the British flag, are captured or sunk under their very guns. Men of the Imperial forces who take refuge in the Dominion's territory must be disarmed and held to parole. In the case of Canada and South Africa, Imperial warships must even be denied admission to the fortified stations of Halifax, Esquimalt and Simon's Town, constructed with Imperial money for Imperial purposes, for it is impossible to suppose that South Africa could remain neutral while part of its territory served as a base of operations for one of the belligerents.

The same obligation of neutrality would be imposed on the Dominions' mercantile marine. The greater part of the external trade of all the Dominions consists in supplying foodstuffs and other raw material to the United Kingdom. Much of this, under the Declaration of London, may be declared contraband, and, though the non-contraband trade would in theory, at all events, be free from interruption, vessels carrying contraband would be liable to seizure, and, being neutrals, would not be able to invoke the protection of their own ships of war.

Even if any Dominion were found willing to accept the loss and humiliation involved in such a neutrality, what certainty or even probability is there that the enemy would recognise and respect this neutral status? In the eye of international law the British Empire is under one sovereignty, and its citizens possess a single nationality. The Empire is an international unit. It is difficult to see how a foreign Power could distinguish a citizen of, say, New Zealand from any other British citizen, respecting the friendly neutrality of the former and treating the latter as an alien enemy: if, on the other hand, the New Zealander, throwing to the winds the cautious correctness of his Government, enlisted in the Imperial forces, his position would be both doubtful and dangerous. The same difficulties arise in the case of the mercantile marine. The merchant ships of the Dominion would be precluded from flying the British flag, and undoubtedly some restriction would have to be placed on other British owners who would try to obtain some of the advantages of neutrality by hoisting the Dominion ensign. No doubt the enemy might in some cases willingly recognise an asserted neutrality which secured him from attack in one quarter at least, but he would not be bound so to recognise it, and his recognition would obviously depend on his estimate of the relative advantages and disadvantages of doing so. This is the fundamental fallacy of the theory of colonial neutrality, for, as General Botha said in an interview with Reuter's Agency:

> "If it is to the advantage of the Empire to have a number of its Colonies neutral, obviously it is to the disadvantage of the enemy. The enemy decides whether any part of the Empire is to be left alone."

In fact, as General Botha said later, "for South Africa or for any other Dominion to be neutral while the Mother Country is at war is an impossibility"—an impossibility, that is to say, so long as the Dominion concerned remains part and parcel of the British Empire. The only manner in which any portion of the Empire can secure the rights of a neutral in time of war is by a formal separation as a nation from the remaining dominions of the Crown. Here again, there is no middle course between absolute solidarity in the international sphere and complete independence. "Colonial neutrality" when the Empire is at war with a first-class Power, is simply another word for "declaration of independence."

If a war of the British Empire is not a world-war, the explanation will lie in the weakness of the enemy, or in the ability of the British fleets to annihilate, at the very first outbreak, opposing squadrons in every part of the world.

The alternatives then inherent in the bare fact of the British dominion are these, a world-peace or a world-war, an Empire growing in strength and unity of purpose or an Empire collapsing in a vast calamitous ruin. Such issues as these are too tremendous to be left to the arbitrament of chance. The days of confidence and security should be devoted to such study of the structure and mechanism of the Imperial system as will enable us to test its capacity to bear its unprecedented responsibility and to face, if need be, unprecedented perils.

In such a study we naturally turn first to the Imperial Government, the one organ of administration which is competent to act for the Empire as a whole. The Imperial Government is responsible for the defence of the Empire, maintains and directs its striking forces, and makes war or peace on its behalf. It is only through the Imperial

Government that the force of the Empire can make itself felt in the outside world. Its vague suzerainty is the only means of securing joint or even consistent action on behalf of the self-governing Dominions. It is directly responsible for the welfare and security of the greater and lesser dependencies.

The Imperial Government has it in its power to make or mar the Empire. But the Government in its turn is made or unmade by the Imperial House of Commons. Money and legislative authority can be obtained from Parliament alone. The House of Commons must be cajoled or bullied into acquiescence in, if not approval of, every act of the ministry. On a vote of the House of Commons may hang the destinies of a fifth part of the human race. If there has accrued to the Imperial Government the most gigantic accumulation of power and responsibility ever known to man, the effective use of that power and the faithful discharge of that responsibility are directly dependent on the efficiency and the patriotism of the House of Commons. All cannot be well with the Empire if all is not well with the Imperial Government; and all cannot be well with the Imperial Government if all is not well with the House of Commons. Obviously, if this central portion of the mechanism is overstrained or clogged, the whole machine is in danger of a disastrous breakdown.

It is fitting, therefore, by way of introduction to an analysis of the administrative system of the Empire, that we should examine the effectiveness of its sovereign assembly. Unfortunately it is well nigh universally admitted that all is *not* well with the House of Commons, that it has failed in its Herculean task. It has failed not so much to control the Empire as to legislate at the same time for three systems of administration, two systems of law and a total population of 45,000,000. Exactly how far it has failed and how far it promises to remedy its own defects, it will be the purpose of the succeeding pages to show.

It is obvious that the chief difficulty must be the diffi-

culty of time. A glance at Table A will show that the average session in modern times consists of about 140 working days: but a certain proportion of these days are ear-marked in advance either by the necessities of administration or by the express provisions of the Standing Orders, and are not available for ordinary legislation.

Of these we may first deal with days required for finance in its two aspects. On the credit side of the account, nine or ten days will probably be sufficient in a normal year to cover the Chancellor of the Exchequer's statement, the necessary resolutions in Committee of the whole House, and the various stages of the Finance Bill itself. On the spending side the business of Supply is limited by Standing Orders to twenty days—or by special Order of the House, twenty-three days—in the session. This, however, does not mean that Supply never occupies more than twenty-three days in the year. In the first place the Standing Order period does not include the days on which it is necessary to put the question "That the Speaker do leave the Chair." These days are normally three in number—namely, the days on which the House first goes into Committee on the Army, Navy and Civil Service Estimates respectively. Secondly, the Standing Order period does not include days devoted to supplementary Estimates; and these days may be computed at three or four in an average year. At least twenty-six days, therefore, are required for Supply.

Supply again has its necessary sequel in Consolidated Fund Bills, which number two or three, or occasionally four, in the session. A Consolidated Fund Bill has the unique advantage that, except by the employment of the most blatantly obstructive tactics, it is impossible to debate it on the Committee stage. On the other hand, a wide range of discussion is permissible on the second and third readings; and the House of Commons is seldom slow to avail itself of such opportunities. Two days at least must therefore be allowed under this head.

Yet another day must be added for the consideration of

the Indian Budget, making thirty-eight days required for the indispensable business of finance.

Table A shows the average of the five years 1904–1908 to be 39·8. These years were chosen as coming between the years of war and its after effects, and the year 1909, when more than half a long session was devoted to finance. They are also years slightly below the average for the reason that the estimates for 1906–07 were largely prepared by the party which subsequently had to discuss them in opposition. Thirty-eight, therefore, may be taken as the lowest figure which can be considered reasonable under existing circumstances.

The function of the Committee of Supply is of course critical in the main, and only to a very small extent financial; but it cannot, and ought not, to exhaust the critical activities of any deliberative assembly. In the first place, though technically it gives an opportunity for surveying the whole field of administration, it is in practice impossible to discuss in the allotted time more than a small proportion of the 150 votes. It provides no opportunity for dealing with sudden emergencies; and, except in the case of the salaries of Cabinet ministers, very slight opportunity for raising wide questions of general policy. Further, it is often desirable for obvious reasons to get a clearly defined issue before the House instead of forcing a division on the question of reducing a sum of money. Lastly, without other opportunities of discussion, a minister whose particular votes had been passed would be exempt from criticism for the remainder of the session, except in the *pot pourri* of a motion for adjournment. Consequently, a further substantial reduction must be made from the time of a session in respect of what, for want of a better generic term, we may call Notices of Motion.

The debate on the Address at the beginning of the session is one of the opportunities provided by Parliamentary custom for a survey of the intentions and achievements of the Government of the day. The tendency of recent years has been to cut short the debate by means of

the closure; but, even so, seven days at least ought to be allowed for it.

For sudden emergencies the Standing Orders provide for a motion to adjourn on a "definite matter of urgent public importance"—commonly known as a motion for adjournment under Standing Order 10. The Speaker is the trustee of the House in this matter; and since he is not readily persuaded that a question is definite, urgent, and of public importance, such a motion will probably not be allowed on an average more than four times in a session. Each of these motions normally occupies the House from 8·15 to 11 o'clock p.m.; and two days therefore must be deducted under this head.

Thirdly, miscellaneous debates arise on the motions for adjournment at Easter, Whitsuntide, and—if an autumn session be in contemplation—also in the summer. Two days again are required.

Fourthly, there are the declaratory resolutions moved by the Government (or at the instigation of the Government) or by the smaller groups in the House. With these may conveniently be classed votes of censure and votes of confidence. The number of these motions must necessarily vary according to political circumstances, but we shall not go far astray if we compute them at three a year.

Lastly, we come to the evenings reserved under the Standing Orders for the discussion of abstract motions by private members. The number of these varies in accordance with the relative position of the opening of Parliament and the movable feasts, but nine days may be taken as a fair average.

Altogether under the head of Notices of Motion twenty-three days must be deducted; and these, added to the thirty-eight days required for finance, make sixty-one days, or more than 43 per cent. of the average session. The day of prorogation must also be deducted as being unavailable for business, and in most sessions there will be yet one other day at least to be classed as blank. The total deductions therefore must be estimated at sixty-three days.

The actual figures for 1904–1908 show an average of 68·3; while the figures for the ten years, 1900–1909, given under a slightly different form in Table F, bring the average up to 79·1. Taking the lower figure, for the sake of argument, and deducting it from the average total number of sitting days, 140, it is clear that about seventy-two days in the year are available for legislation. From these seventy-two days a further reduction must be made in respect of days reserved for private members' Bills. The exact number of these days also depends on the ecclesiastical calendar; but they average more nearly fourteen than thirteen. Less than sixty days in the year therefore are available for Government legislation.

Before going on to discuss the possibility of extending this limited space, it may be well to see exactly what use the Government and the House of Commons make of it. Table B shows, among other things, that the number of Government Bills passed through the House of Commons during the ten years ending 1909 was 388. Sixty of these were purely financial measures, and must be excluded from our calculation. The remaining 328 occupied 483 days of Parliamentary time. But included in this number of 328 are the big contentious measures which constitute the main feature of a session of Parliament. The following list shows the time occupied by the ten principal Bills:

1902	Education	Bill	occupied	approximately	52	days.
1903	Irish Land	,,	,,	,,	15	,,
1904	Licensing	,,	,,	,,	18	,,
1905	Aliens	,,	,,	,,	10	,,
1906	Plural Voting	,,	,,	,,	12	,,
	Education	,,	,,	,,	31	,,
1907	Territorial and Reserve Forces Bill		,,	,,	14	,,
1908	Licensing	,,	,,	,,	30	,,
	Old Age Pensions Bill			,,	10	,,
1909	Irish Land		,,	,,	15	,,
			Total		207	days

In other words, the remaining 318 Bills were passed in 276 days. Even allowing for the fact that a good proportion of the 318 were measures whose chief merit was their obscurity, the time occupied was ridiculously inadequate. Not all these Bills—in point of fact, less than ninety of them—were referred to Standing Committees. The greater number were hustled through their stages in the small hours of the morning or amid the week-end listlessness of a drowsy Friday. They reached the Statute Book chiefly because no member knew enough or cared enough to oppose them. A great many certainly were useful and necessary measures; but obviously, in the circumstances, the temptation is strong to legislate in minute doses strongly tinctured by reference. Next to political obscurity, obscurity of meaning becomes the surest aid on the road to legislative success.

A most casual survey of the Acts of recent years is sufficient to establish the reality of this tendency towards piecemeal legislation by way of reference. Fifteen of the Acts of 1907, for example, and fourteen of the Acts of 1909, consist of two sections only—that is to say, of one operative section. They include Acts of the following character:

Altering and partially repealing one section of the Judicature Act;

Extending one section of the Fisheries (Ireland) Act, 1842;

Amending two subsections of the Local Government Act, 1888;

Allowing a hypothetical Assistant Postmaster-General to sit in the House of Commons.

These examples might be multiplied indefinitely; but it may be well to quote *in extenso* one operative section as an illustration of the type. The quotation below is from the Employment of Women Act, 1907:

"Section fifty-seven of the Factory and Workshop Act, 1901 (which relates to the employment of women in flax scutch mills), and in paragraph (5) of section

seven of the Coal Mines Regulation Act, 1887 (which relates to the employment of women and children above ground), the words, 'of not less than eight hours between the termination of employment on Friday and the commencement of employment on the following Saturday and in other cases,' are hereby repealed."

There is always the hope that these scattered fragments of legislation may some day be gathered up into a reasonably coherent and complete whole by means of a Consolidation Act; and there is something to be said in favour of weaving them closely, by means of specific reference, into the texture of the principal Act. But the same excuse cannot be pleaded where an Act is itself in the nature of a principal Act. Here again the chief difficulty is to select examples from an almost limitless store. The following perhaps will suffice:

Local Government (Ireland) Act, 1902, section 11—
"Article twenty-four of the schedule to the Local Government (Application of Enactments) Act, 1898 (which provides for the transfer of powers from the Treasury to the Local Government Board), as amended by the Local Government (Ireland) Act, 1900, shall apply to the powers conferred by section nine of the Public Libraries (Ireland) Act, 1855."

Fortunately, few examples can be found to match in complexity section fifty-nine of the Finance (1909–10) Act, 1910, which runs as follows:—

"In the case of a person dying on or after the 30th April, 1909, the period preceding the death of the deceased before which a disposition purporting to operate as an immediate gift *inter vivos* must have been made . . . in order that the property taken under the disposition. . . may not be included as property passing on the death of the deceased, shall be three years instead of twelve months before the death, and accordingly paragraph (*a*) of subsection (2) of section thirty-eight of the Customs and Inland Revenue Act, 1881 (as amended by section eleven of the Customs and Inland

Revenue Act, 1889, and applied by paragraph (*c*) of subsection (1) of section two of the principal Act), subsection (3) of section two of the principal Act, and section eleven of the Finance Act, 1900, shall be read as if three years were substituted for twelve months."

Such a phenomenon as this cannot be ascribed wholly to the perversity of draftsmen. The truth is that no deliberative assembly can turn out 318 Acts in 276 days unless it can be dissuaded from debating them. One method, as we have seen, by which this result can be attained is to introduce small, obscure measures which satisfy the Departmental need which is most pressing at the moment. Another method is to make the larger measures as difficult as possible to debate. Now it is obvious that a clause which proceeds by way of reference is more difficult to debate than a clause which tells its own story. For instance, in the section quoted above from the Finance (1909-10) Act, 1910, the only words to which a substantial amendment can be moved are the words, "three years." It may be urged that those words are, after all, the only important words. That is perfectly true; but it is no inconsiderable gain to have made it impossible to amend unimportant words. In the case of a contentious Bill it is the practice to move an amendment—if it be in order—to every amendable word. The practice may be objectionable or unobjectionable, but it cannot lightly be changed. It is a luxury for which we have to pay the price of legislation by reference. But while the luxury is merely a fulfilment of the dictates of political human nature, the payment of the price burdens us with a statute law which is esoteric, cumbersome, and certainly not "understanded of the people."

It is a melancholy fact that our statute law should be marred by these glaring defects; but the melancholy would be relieved if we were assured that, in one form or another, the House of Commons could achieve all the legislation that is required for administrative purposes. We may take it that the Government are compelled to work the House at a pressure too high for its legislative capacity. Unfortunately,

it is necessary also to show that it cannot fulfil its own primary legislative needs. Table B shows that the Bills mentioned in the Speech from the Throne during the ten years ending 1909 number 115. Of these, only fifty-seven, or almost exactly 50 per cent., passed through all their stages in the House of Commons in the same session. Thirty-one of them—more than 25 per cent.—were not introduced at all. Now these Bills are in the very forefront of the Government's political programme. Naturally enough, a few will fall by the wayside for political reasons. Others, as for example the Welsh Disestablishment Bill of 1908, will be introduced merely by way of demonstration or reconnaissance in force. Governments again may be constitutionally optimistic; but he must be an optimist indeed who can rest satisfied with a Parliament which achieves only one-half of its principal programme.

The minor Government Bills show a slightly better result. Out of 526 introduced or brought from the House of Lords, 331, or roughly 63 per cent., succeeded in passing the House of Commons. If, however, we exclude the sixty financial measures already mentioned, the proportion stands at 271 to 466, or about 58 per cent. In one sense these figures are misleading, since it is clear that a Bill may be introduced an indefinite number of times, but can be passed only once. But even when that allowance is made, it will be seen that the position is anything but satisfactory. During the two Parliaments of 1900 and 1906 the number of separate Bills which failed to pass on one or more occasions was 154. By the end of 1910, sixty-five of these had succeeded in reaching the Statute book in one form or another. In other words, in the course of nine years, nearly ninety separate Government Bills were lost in the press of business.

The figures for the 1900 Parliament—figures which may now be taken as final and complete—suggest other and pertinent considerations. The figures are as follows:

Number of Government Bills introduced into but not passed by the House of Commons . .	98
Bills passed in subsequent sessions of the same Parliament	14
Bills passed in 1906 Parliament	31
Bills introduced into but not passed by 1906 Parliament	7
Bills neither introduced into nor passed by 1906 Parliament	46

These figures make it clear beyond a shadow of doubt that a considerable portion of the unsuccessful legislation is both necessary and uncontentious. An outgoing Government left a legacy of eighty-four Bills in arrear. A new Government, fresh from a long period of opposition, took up and endeavoured to pass 45 per cent. of these legislative waifs. Here there could be no question of political considerations; even the most factious opposition was practically out of the question. Yet, even in these favourable conditions, seven of the Bills failed to become law. Forty-six were left altogether in limbo; and all the time the Government were piling up arrears of their own to the extent of thirty-six Bills.

Table C shows the complete gross figures from 1900 onwards; but a few specific examples may serve to throw a clearer light on the very real nature of the difficulty. Table D therefore takes a few Bills and shows the progress made with them in successive sessions. Two of the subjects dealt with were sufficiently important to be mentioned in the Speech from the Throne. Lunacy was so mentioned no less than three times, and Scottish Education twice. Yet it was only after an interval of eight years that measures dealing with these two subjects were placed upon the Statute book. Scottish Education was remotely in the nature of a contentious or disputable topic; but, even so, it was read a second time in 1908 without a division, and occupied only three days in the House itself. The rest of the Bills were tame departmental measures, which occupied no appreciable portion of Parliamentary time even in their final passage

through the House. They were simply crowded out session after session.

The most satisfactory feature of the matter is the insignificant amount of time which is spent on these legislative failures. The figures will be found at the end of Table B. The year 1908 shows the worst record ; and in that case the time was spent on an honest though unsuccessful attempt at compromise on the Education question. It is certainly some consolation to know that the slaughtered innocents are innocent indeed : but to the parents such considerations can afford but poor comfort.

It is important to bear in mind that all the figures given above relate only to Bills actually drafted and actually introduced. They represent not the needs of the departments or of the country, but the immediate expectations of the Government. There are other questions, urgent and vastly important, with which no Government has had the courage to grapple, and which no House of Commons has been called on seriously to consider. A survey of Table K, showing the legislative results of the Royal Commissions of recent years, will convince the most casual inquirer that the only subjects which have received frequent and detailed attention are those which possess a definitely political character. Of the other Reports some have been dealt with tentatively and only after long delays; some again have produced no result at all. Let us take, by way of detailed example, the question of the adjustment of local and Imperial taxation. For many years the ratepayers of the country have suffered under a crying grievance. Local authorities, broadly speaking, are dependent for their revenue on a single tax, and out of the proceeds of that tax they have to meet not only purely local expenditure, but also part at least of the cost of police and criminal prosecutions, main roads, education and poor relief—all of them services which are admitted to be national. The amount of rateable property occupied by a man is a most fallacious test of his ability to contribute to these expenses. Conse-

quently the ratepayer claims that such burdens should be borne on the broader back of the taxpayer. Further, as the rateable value of a district decreases there is a natural tendency for the demand upon the rates to increase; and this tendency, combined with differences of valuation, produces enormous inequalities throughout the country.

Before 1888 some measure of relief was provided by grants from the Exchequer for specific services. In 1884–5, for example, these grants reached the considerable total of £3,621,508. In 1888 the late Lord Goschen, then Chancellor of the Exchequer, made an effort to find a permanent remedy by allocating certain taxes to the relief of local burdens. His object was two-fold: firstly, to provide an automatically increasing revenue for local purposes, and secondly, to make personalty contribute to local burdens. The method of attaining the latter object, modified as it was by Sir William Harcourt's revision of the death duties in 1894, was never very effective: the former object was so incompletely realised that Lord Salisbury's Government found it necessary, in 1896, to appoint a Royal Commission to inquire into the whole matter. The first fruits of the labours of that Commission are to be found in the Agricultural Rates Act, 1896, and the Tithe Rentcharge (Rates) Act, 1899—Acts which relieved certain classes of rural ratepayers at the expense of the Imperial Exchequer. The final Report of the Commission was issued in 1901. It advocated no sudden or violent remedy, but it did recommend certain immediate reforms, and it did emphasize the need of a speedy remedy. For ten years that Report has been before Parliament and before the public, and no substantial reform has even been proposed by a Government. It is true that the Finance Act of 1907 contained a book-keeping reform, the object of which was, in the language of the present Prime Minister, "to clear the ground . . . . for a future resettlement, I hope on equitable grounds, of the whole relations between the central authority and the local authorities." It is true again that by the Finance (1909–10)

Act* certain additional revenues were assigned to the local authorities, the most important of which were handed back to the Exchequer, for a substantial consideration, under the Revenue Act, 1911. On every occasion on which the subject has been raised in either House of Parliament, the spokesmen of the Government have been full of fair words and fairer promises. Chancellors of the Exchequer have been sympathetic, but, if they moved at all, they moved along the line of least resistance. They have studied palliatives, not cures. They have made no serious effort to deal with the subject as a whole.

The history of the House of Commons in the matter has been curious. It has always been dimly in favour of re-adjustment: but where resolutions dealing with the subject have been conceived in a spirit hostile to the Government of the day, party discipline has triumphed over pious opinion.

Thus, for example, on February 18, 1908, a motion was carried *nemine contradicente*, which ran:

> "That . . . the present system of local taxation and the relation between local and Imperial burdens demand the immediate attention of His Majesty's Government, with a view to a more equitable distribution as between local and Imperial obligations."

The Government accepted this resolution, subject to certain reservations as to the meaning of the word "immediate." First of all, said the present Prime Minister, let us get a Valuation Bill and secure uniformity in that matter: then we will go on to consider the wider questions of justice. Unfortunately the Valuation Bill which figured in the King's Speeches of 1907 and 1908 has since been denied even that uncertain honour, though the valuation sections of the Finance (1909–10) Act have done something to remove preliminary difficulties. In any case, in the following session the Government were compelled to use the party

* Incidentally it may be noticed that this Act, by placing taxes on *immobilia*, diverts to the Imperial Exchequer a stream of revenue which is theoretically available for local purposes.

machine to defeat an amendment to the Address moved from the Opposition side, in the terms:

> "But we humbly regret that Your Majesty's Government has not foreshadowed any reform in the present system of local taxation and in the relation between local and Imperial burdens which this House declared on the 18th February, 1908, to demand the immediate attention of Parliament, with a view to a more equitable adjustment between local and Imperial obligations."

The truth is that though Parliament has long been abstractly in favour of a far-reaching reform, it is not prepared to make a fighting question of it. There is no party enthusiasm to drive the problem into the forefront of political controversy. At the same time it is too big a problem to be settled in the odd moments of an overcrowded session. Any reasonable Bill would probably win the general assent of the House of Commons; but any conceivable Bill would indubitably give rise to prolonged debate on questions of detail. Governments cannot afford the luxury of prolonged debate unless they receive in return something in the way of partisan credit. Consequently a problem of this kind is precisely the problem with which Parliament is ill-fitted and, indeed, almost incompetent to deal.

In this particular case the incompetence of Parliament is more than a curiosity; it is a disaster. The problem was difficult and complex enough in the '80's; it becomes more difficult and more complex with every year of delay. Every year the Imperial Parliament places new obligations on the local authorities without making adequate provision for the cost. Every year the central departments become more exacting in their demands for the fulfilment of existing obligations. The figures themselves give no uncertain indication of the growth in the extent of the problem. In 1884–5 the aggregate sums handled by local authorities amounted to £54,499,067; in 1894–5 they had risen to £73,096,462; in 1907–8 they reached £137,756,785.

The amount raised by rates has risen from £25,666,552 in 1884–5, and from £33,855,283 in 1894–5 to £59,627,577 in 1907–8. It is true that the Exchequer grants have increased more than proportionately, and that in 1907–8 they reached the total of £20,635,503. But the main grievances remain unredressed. The ratepayer must still bear the lion's share of the burden out of the proceeds of his single tax; and the time will come when local authorities will be unable to carry out their obligations efficiently because their sources of revenue are dried up. Glaring inequalities again in the matter of the incidence of taxation not only remain unremedied, but with the increase of expenditure become more glaring still. Much of the difficulty may be due to extravagance and reckless piling up of debt on the part of local authorities; but none the less it will be admitted that the equitable distribution of national burdens should be the first duty of a Government and of a Parliament. Yet while a Commission, often accused of dilatoriness, completed an exhaustive inquiry in five years, the combined efforts of both political parties throughout ten years have not produced the bare outline of a coherent reform. They have not led even to the introduction of an abortive Bill, but only to the appointment of a Departmental Committee "with a view to the introduction of legislation at an early date."

The difficulty, however, is not confined to far-reaching questions like the relation between local and Imperial taxation. The history of Private Bill Legislation, so far as it affects local authorities, is largely the history of the attempt to remedy by means of Local Acts the weakness and deficiencies of the Public Health Acts. For the last twenty years or so the House has appointed a special Committee—known successively as the Police and Sanitary, and the Local Legislation Committee—to consider Private Bills containing provisions of this character; and the Public Health Act of 1907 is in effect a codification of the

Committee's decisions. A paragraph from the Committee's Report of 1911 affords an example of the incapacity of Parliament to deal with the most ordinary legislative problems—an example comparatively trivial perhaps, yet not on that account the less significant. The paragraph in question is as follows :

> "Your Committee have frequently been approached to remedy an omission in the general law which provides no satisfactory definition of the term, 'common lodging house.'
>
> "While refusing to insert such definition in private Bills, your Committee are conscious that the present defective state of the law allows many common lodging-houses throughout the country to escape a much needed supervision."

This paragraph draws attention with almost pathetic solemnity to what, in one aspect at least, is a delicious absurdity. The Public Health Act of 1875, while containing provisions—and penal provisions—as to common lodging-houses, gives no definition of that term at all. The only guidance afforded to an authority applying the Act is an opinion given by the law officers of the Crown in 1853 —an opinion which is worth quoting for the sake of its unashamed inadequacy :

> "It may be difficult to give a precise definition of the term, 'common lodging-house,' but looking to the Preamble and general provisions of the Act [14 and 15 Vict. c. 28], it appears to us to have reference to that class of lodging-houses in which persons of the poorer classes are received for short periods, and, though strangers to one another, are allowed to enter one common room. We are of opinion that it does not include hotels, inns, public-houses or lodgings let to the upper and middle classes."

That has been the law, so far as there has been a law at all,

for the last fifty-eight years. Not unnaturally local authorities which have to administer the law are dissatisfied with these vague, if picturesque, descriptions. Lancaster and Southport in 1900, Padiham in 1908, Luton and St. Helens in 1911, have striven to lead the way where the Imperial Government were impotent. It is true that they have failed; and that "common lodging-house" still lacks even a local definition. But it is worth while to notice the remarks of the Chairman of the Committee on the Luton case:

> "I should think the members of the Committee sympathise with your case, only unfortunately the same powers have been refused to Padiham. Probably the Committee will feel—I have not had an opportunity of consulting with all the members—that it is hardly our duty to lay down such conditions as these, which ought to be the common law."

They "ought to be the common law"; but it is already thirty-six years since the Public Health Act received the Royal Assent. That is an illustration—one illustration among many—of the efficiency of our existing legislative machinery.

Further, it ought to be remembered that in relation to the Public Health Acts the local authorities are largely in the same position as the public departments in respect of more general legislation. The needs of the local authorities must be publicly stated and publicly discussed in the ordinary course of Private Bill procedure: the needs of the departments to a great extent must be the object of mere conjecture. But if the insufficiencies of a particular series of Acts like the Public Health Acts can be proved to demonstration, it can hardly be questioned that the present legislative output is but a trickle in the desert to the requirements of the departments.

It is indeed obvious on the face of it that a great deal of

our statute law is out of date. The sale of patent medicines with all their attendant evils and attendant frauds is regulated by Acts of the reign of George III, or at best by the Pharmacy Act, 1869. Certain parts of the Public Health Act, 1875—that, for instance, dealing with the disposal of sewage—have been left untouched for thirty-six years. Purity of water supply is safeguarded only by an Act of 1878. Dental quacks flourish under an Act of the same year. The traffic in obscene publications is controlled by inadequate Acts of 1824 and 1857. The whole law relating to public entertainments is hopelessly antiquated. An unqualified chemist is only prevented from prescribing for his customers by the Apothecaries Act, 1815. These are all subjects which have been profoundly modified by the changed conditions of modern life, by the advance of science, by the increase of education, by the gradual, inscrutable changes of habit and of fashion. They are just as important to the well-being of the community as the questions which win or lose general elections. But because they are non-political, they are thrust perpetually into the background, and nothing but the heroic pertinacity of a conscientious minister can secure them even the perfunctory attention of the Cabinet and of Parliament.

This, then, is the difficulty, that the legislative requirements of the country are too great for the available Parliamentary time. The difficulty could clearly be met either by prolonging the sessions of Parliament, or by devoting to legislation a larger proportion of the time available.

As regards the first alternative, we have taken 140 days as the average length of the modern session. Table E gives a complete record of the number of days and hours during which the House of Commons has been in actual session since the year 1831. It may be well, for the sake of clearness, to reproduce the figures here in the form of decennial averages :

Years	Average number of days	Average number of hours
1831–2—1841	131·3	1000·65
1842 —1851	128·1	1015·17
1852 —1861	120·3	933·08
1862 —1871	115·3	894·69
1872 —1881	123·9	1042·22
1882 —1891	137·4	1186·13
1892 —1901	128·6	1078·74
1902 —1910 (9 years)	141·5	1203·76

From these figures it is clear that there has been a considerable increase in the demands on the House of Commons since the middle of the century.[1] The labours of the last few years were never equalled, even in the enthusiasm of the first Reform Parliament; and, in spite of the closure and the eleven o'clock rule, the increase in the number of hours is more pronounced than the increase in the number of days. Further, the last figures include the abnormal session of 1910, which was the shortest in point of hours since 1865. If we follow the practice adopted in most of the other tables, and exclude 1910 as being a year of very special and peculiar circumstances, the years 1902–1909 give us the figures, 146·4 days and 1269·93 hours—an increase of nearly 10 days and of nearly 100 hours over the highest preceding averages.

In spite of this, however, it may be said that 140 days is a short enough period, amounting only to seven months in the year, even when allowance is made for recesses. But whatever may be our abstract opinions on the ethics of

[1] How great has been the increase since still earlier years is shown by the following extract from Speaker Abbot's Diary at the close of the session of 1808:

"*Monday, July* 4. . . . The most laborious session for hours of sitting ever known within living memory of the oldest members or officers of the House. There were 111 sitting days, amounting to 829 hours, averaging seven and a half hours a day. Since Easter to the close of the Session rarely less than ten or eleven hours every day" (*Diary and Correspondence of Lord Colchester*, vol. II, p. 158).

politicians' holidays, we must be driven to admit that the sessions of the 1906 Parliament were as long as was compatible with political endurance, even if those of the 1900 Parliament were as short as was compatible with modern political decency. So long as the House of Commons is composed largely of men who have their livings to earn in the law, in medicine, or in commerce, so long will it be necessary to leave a substantial portion of the year free from Parliamentary activity. More than this, it is essential that the politician should have leisure to think, read and prepare, and generally to study the needs of the locality he represents. If the sessions were to be further prolonged, the private member would labour under the same disadvantage as the minister to-day.

For even when the professional politician is with us, if come he must, there will remain one essential difficulty over which neither his salary nor his abundant leisure can tide us. It must always be remembered that the work of the House of Commons is reflected on the work of the Cabinet; that when Parliament is sitting the Cabinet's deliberations must necessarily be occupied with details of immediate procedure, with questions of tactics, or even with the eternal problem of squeezing the work of five days into one day. The pressing problems of to-day leave no time for the consideration of the policy of to-morrow. An autumn session means that the next year's Bills are presented to the House of Commons in an inchoate and undigested condition, and often cannot be produced at all for weeks and months. It means that precious time is wasted marching and countermarching in the following year, simply because the general plan of campaign has never been adequately drawn or discussed. It means too that an intolerable strain is placed on ministers who have to deal the whole year round with the double demands of the Treasury Bench and the department they ostensibly control. It promotes administrative incompetence and legislative barrenness, and ensures nothing but personal strain and inconvenience.

In connection with the second alternative—that of limiting the non-legislative activities of Parliament—it will be well to compare Tables A and F, which are designed to show the same facts in different forms. Table A deals with the technical character of the debates; Table F shows the subjects with which they deal.

Under the heading of Finance there is little room for criticism. The annual adjustment of revenue and expenditure is too wise and too prudent a practice lightly to be cast away; and, in spite of a very elaborate procedure, the time spent is not disproportionate. For it must be borne in mind that the session of 1909 was occupied not so much in arranging for the finance of the current year as in devising a new system of taxation which would bear fruit only in subsequent years. There was, in fact, more machinery than money in that particular Finance Bill.

Under the heading of the Empire are included the days of Supply devoted to Army and Navy Estimates, discussions of the fiscal question, questions of inter-Imperial communication, and of Imperial and foreign policy. Similarly, under the heading of Miscellaneous, are classed the votes of Supply for the Home Office, Local Government Board, Board of Trade, Board of Education and Board of Agriculture, to say nothing of the minor departments; also home industrial problems, such as the question of the unemployed, strikes and lock-outs, shipping, mines and factories; it includes too Parliamentary procedure and the relations between the two Houses. If there be any value in Parliamentary criticism, and consequently in Parliament itself, it can hardly be maintained that 19·5 days in the one case, and 21·6 in the other, are excessive annual allowances for the discussion of these manifold topics. Under the other headings the chief ground for surprise lies in the smallness of the figures. India requires less than two days a year. The three older Dominions receive only three days in the whole ten years. Egypt and the Crown Colonies receive practically no attention, except that given to them on the

Foreign Office and Colonial Office votes. In spite of the war, and of the many difficult problems which followed it, South Africa has an average of only 4·8 days. The time given to Ireland alone may seem disproportionate ; but the discussion of Irish grievances will never be limited by anything but the iron hand of sternest necessity.

If we turn back to Table A, which gives the technical classification, the prospects of effecting a substantial economy of time are not more hopeful. Taking first Supply, as the most considerable item, we must once more face the fact that it provides the only opportunity for a systematic and periodic survey of the work of numerous and increasing departments. Further, it must be remembered that the legislative union of the United Kingdom has never been accompanied by complete administrative union. The Secretary for Scotland wields the powers of at least four heads of English departments, while the Chief Secretary for Ireland is responsible for more Boards than a mere Englishman can number. This fact makes it essential that special days should be devoted to Scottish and Irish Supply. When these are added to the days required, and rightly required, for the Imperial services, it will be apparent that not many days are left for the discussion of purely English affairs. But perhaps it is simpler to let figures speak for themselves. Under the Standing Orders, at the conclusion of the proceedings on the last day but one allotted to Supply, the Chairman proceeds to put the question upon all the votes outstanding in Committee. The sums voted under this provision—that is to say, voted without a single word of debate—have been as follows :

	£		£
1900 . .	3,591,877	1906 . .	15,727,746
1901 . .	67,706,671	1907 . .	50,844,895
1902 . .	12,088,571	1908 . .	33,157,478
1903 . .	5,231,117	1909 . .	57,836,901
1904 . .	31,124,231	1910 . .	52,615,286
1905 . .	50,619,241	1911 . .	67,046,752

It is perfectly true that the amount of discussion required for a vote cannot be measured directly by the number of millions involved; but it is significant that the figures show a very decided tendency to increase. In any case they demonstrate that the limit of time at present imposed by the Standing Orders involves a very severe curtailment of debate. The process may certainly be carried further, but the process itself is the negation of Parliamentary government.

As regards the debate on the Address, it must be admitted that its practical utility is not obvious—at all events when a Government is securely intrenched behind the fortifications of the party system. Still, the topics discussed are usually of first-rate importance, and the debate is often useful from a political point of view as forcing the Government of the day to show its hand. Further, it is undoubtedly true that without the debate on the Address there would be a great increase in the number of votes of censure and of declaratory resolutions dealing with current political problems. Certainly such motions would have a far stronger claim upon Government time, and they would be discussed on dates far more inconvenient from the point of view of public business.

It becomes tolerably clear then that if a sacrifice is to be made, it must be made at the expense of unofficial members; and it will be convenient to deal at the same time with private members' motions and with private members' Bills. It must be admitted at the outset that the day is distant as yet when it will be possible to throw away all pretence of the initiative of the private member, when it will be admitted frankly that legislation is the business of His Majesty's ministers to the exclusion of all others, and that criticism must be limited to the opportunities afforded by Government business. Raids have been made by the Government, and will be made again, on the sacred Tuesdays, Wednesdays and Fridays of the early part of the

session—the days when the Standing Orders provide that Government business shall not have precedence. But the House of Commons will be slow formally to abandon a tradition and a principle for the sake of a very slight economy of time. It is impossible too to deny value to these evenings of pious opinions, subject though they are to the caprice of the ballot. They often serve to keep alive serious problems with which the Government find it impossible to deal at the moment. Sometimes, indeed, the range of discussion is so wide as to become almost farcical. On one evening in 1900, for example, the House set itself to discuss famine and plague in India, the representation of the Dominions in the Imperial Parliament, Irish Private Bill legislation, and, lastly, a County Courts Bill. With this remarkable evening we may profitably compare May 15 in the same year, when the House divided its attention between the registration of plumbers and the question of immoral plays in London theatres. It is easy to smile at miscellanies like this; but we must not forget that each motion affords some scope for individual ambition, and that individual ambition must always be a main driving force in the political life.

Much the same may be said in favour of private members' legislation. Taken by itself, it suffers from the defects consequent on absence of expert knowledge, want of familiarity with departmental practice, and unskilful draftsmanship. But the Fridays do serve as a non-committal test of the trend of opinion on a particular question; and these fleeting phantoms of Bills may well serve as guides or as cautions to a Government proposing similar legislation. The Friday afternoons, it must be added, are all but useless for the purpose of making up legislative arrears. The figures on Table B show how few are the private members' Bills which make their way through the House of Commons; and, of these few, only a proportion have been discussed on Friday afternoons. The rest are of that harmless, obscure type which

obtains a second reading after the time for opposed business has elapsed. The following figures* speak for themselves:

	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909
Fridays devoted to Private Members' Bills . .	14	13	15	13	12	14	14	12	16	13
Bills discussed which passed .	3	2	5	3	3	2	0	4	9	1
Total number passed . .	15	4	14	14	10	8	5	10	18	9

These scanty results are not so much a matter for regret as a satisfactory proof that the country is safeguarded against irresponsible legislation of an important character. The case against these Friday afternoons must be that they are dull and unprofitable. We have endeavoured to show that they are not wholly unprofitable. They may often be dull; but, even if they are both, it is useless, for reasons stated above, to look immediately for any such drastic restriction as would materially increase the time available for Government business. The pressure is too great to be relieved by the grant of an extra Friday or two, or even of every Tuesday before Easter.

If then the session cannot profitably be prolonged, and if it is impossible to effect any appreciable saving in the Parliamentary time devoted to non-legislative purposes, it only remains to be seen whether under existing conditions the limited time available can be more fruitfully employed. This is a question which has occupied a considerable amount of Parliamentary attention in recent years, and the changes effected have been sufficiently wide and sufficiently important to justify the drawing of something like a definite conclusion. It is a significant fact that,

* The table does not take account of Bills adopted at a later stage by the Government; or of Bills which contrive to pass through a stage after five o'clock. But it does include Bills which have precedence after Whitsuntide, on account of the advanced stage they have reached.

of the ninety-five Standing Orders which regulate the public business of the House of Commons, no less than thirty-four deal in one form or another with the restriction of debate. But, practically, the question limits itself to the various forms of closure and the practice of devolution to Committees.

Table G shows the figures of the closure. It might have been expected that the figures of the ordinary closure would vary, roughly, in inverse ratio to those of the guillotine. This is to a certain extent true; since the years in which the ordinary closure was most frequently applied were 1902, when the Education Bill was only partially guillotined, and 1909, when the Finance Bill was not guillotined at all. But, taking a broader view of the figures, we may say that there has been a marked advance in favour of the guillotine, but that there has not been a proportionate diminution in the use of the ordinary closure. The Government have not discarded one weapon in favour of another; they have found it necessary to keep both in active use. That is one significant fact. The second is this, that the newer weapon is devised for the purpose of carrying legislation, and for no other purpose. The ordinary closure is useful enough as a means of foiling obstruction on the particular question before the House, or of preventing a Bill from being "talked out." But it is of comparatively little use for the purpose of meeting not merely obstruction, but full and well-informed debate on the details of a Bill. The guillotine is a brutally efficient weapon; but it is also, by universal assent, clumsy and unsatisfactory. It does not hasten Parliamentary debate; it merely dispenses with it. It leads inevitably to Acts of Parliament which are ill-drafted and possibly inconsistent. Its adoption as a regular incident of Parliamentary life is the supreme admission that the House of Commons is incompetent to perform its legislative work under existing conditions.

The selection of amendments by the Speaker or Chairman—the so-called "Kangaroo" closure—is a more refined

expedient. But it adds omniscience to the many qualities already demanded of the Chair ; it leads to unseemly and unprofitable wrangles between the Chairman and disappointed members ; and it contains untold possibilities of blunders in the way of neglected consequential amendments. It is too early yet to speak as to its efficiency. On the few occasions when it has been applied, it has been applied drastically. But, like all forms of closure, it hastens Parliamentary procedure only by making it superfluous. There is something to be said for government by an autocrat ; and there is something to be said for government by a deliberative assembly. But there is little indeed to be said for government by an assembly which is not permitted to deliberate.

If the closure works by means of curtailment, devolution to Committees works by the method of duplication. It seems a simple arithmetical proposition to state that four Standing Committees will get through four times as much work as one Committee of the whole House. Arithmetic also seems to lend its support to the proposition that 82 members will talk a great deal less than 670. Neither of these propositions is true without considerable qualifications : but it is beyond question that Standing Committees have done excellent work. The level of debate is high—not infrequently far higher than that in Committee of the whole House. Discussion is freer, just because a Government defeat is a matter of small moment ; and consequent on the partial relaxation of party bondage there follows the inclination of all parties to unite in producing the best possible Bill. Undoubtedly, too, the system of Standing Committees has enabled many a Bill to reach the Statute book which would otherwise have perished. Table H shows the number of Government Bills referred to Standing Committees and the time spent on their consideration. The results are in no sense startling, but it is obvious that a substantial amount of time has been saved from Committee of the whole House. The Standing Com-

mittee system however has its limitations and its disadvantages. In the first place, its good qualities are seriously diminished unless the Bill under discussion is of a politically non-contentious character. Obstruction and party tactics are as easy upstairs as they are downstairs; and in Standing Committee they cannot be met either by the guillotine or, normally, by the "Kangaroo" closure. The Bills which arouse bitter party feeling must, in accordance with the traditions of the House, be discussed on the floor of the House, must usurp the lion's share of the time available for legislation. In the second place, there is a strong tendency to expect and demand greater latitude on the Report stage than is accorded in the case of a Bill discussed in Committee of the whole House. Consequently a certain deduction must be made from the time apparently saved. In the third place, Standing Committees are manned by the same members who have to get through the work of the House itself; and constant service on a Standing Committee—or, indeed, on any other Committee—is no slight addition to the strain of a session. If it means nothing else, it means the substitution of a nominal twelve-hour day for a nominal eight-hour day. To demonstrate the reality of the strain Table J has been drawn up, showing the number of members appointed to serve on the main classes of Committee during the last eleven years, and the number of days occupied by the sittings of those Committees. A certain number of members appear in more than one class; but, on the other hand, it must be remembered that not all the 670 members of the House are available for Committee work. Tenure of public office, the claims of business or of the Courts, ill-health, or the burden of advancing years absolutely preclude a large proportion of members from giving their services in the morning; and the strain on the remainder is proportionately increased.

The House of Commons, then, on its own initiative has found alleviations for its growing difficulties. It has even toyed with such remedies as the limitation of the

length of speeches. But it has failed to find any permanent cure. The difficulties have a way of growing faster than the alleviations ; and after ten years of constant changes of procedure, it is impossible to maintain that the legislative horizon is any brighter or any clearer. The congestion is, if anything, more pronounced, and it has become tolerably clear that no mere adjustment of existing machinery can avail to relieve it. It is not the purpose of this paper to propose remedies. It is enough that it should enforce the undeniable truth that the central part of the Imperial machinery—the part upon which all the vast mechanism detailed in the following pages, in greater or less degree, depends—is itself in urgent need of attention and possibly of reconstruction.

REMARKS ON THE TABLES

(1) The following tables, so far as they deal with time, are worked out to the nearest working day, to the neglect of fractions, except in the case of Table A, where it has been necessary to take half-days into account. A blank means that no appreciable time was spent.

(2) The time spent on "guillotine" resolutions is reckoned with the time spent on the Bills to which the resolutions refer.

(3) In the Tables where averages are taken, the year 1910 is excluded on the ground of its exceptional character. For the sake of completeness, however, the figures for 1910 are given in the last column.

(4) A Bill is deemed to have passed if it passed through all its stages in the House of Commons.

(5) No account is taken of the time spent on opposed Private Business, a good proportion of which is considered after 11 o'clock in pursuance of guillotine resolutions.

TABLE A.

Showing amount of time spent on the routine work of the Session 1904—1908.

Session	1904	1905	1906	1907	1908	Average
Finance:						
Budget and Financial Legislation	14	9	4	11	8	9·2
Indian Budget	1	1	1	2	1	1·2
Supply and Consolidated Fund Bills	34½	33½	27	25½	26½	29·4
Notices of Motion:						
Address	14	11½	6	7	7	9·1
Adjournments under S.O. 10	3½	4½	2½	1½	1	2·6
Private Members' Motions	8½	9½	9½	8	10½	9·2
Adjournments (Easter, Whitsuntide, etc.)	1½	1½	3	1½	3	2·1
Declaratory resolutions, votes of censure, etc.	2	2	2	5½	4	3·1
Days unavailable for business	1	2	4	1	4	2·4
Total	80	74½	59	63	65	68·3
Private Members' Legislation	12	15	14	12	16	13·8
Government Legislation	32	24½	83*	56†	90	57·1
Total number of sitting days	124	114	156	131	171	139·2

* Rather more than one day was occupied with procedure.
† Five days occupied by procedure.

TABLE B.—Showing Bills mentioned in King's Speech, introduced and passed, together with time spent on abortive legislation. [*Hybrid Bills are not included unless specially mentioned.*]

SESSION	1900 2 Sessions	1901	1902	1903	1904	1905	1906	1907	1908	1909	Total	1910
Bills mentioned in speech from the Throne:	11	10	7	10*	12	13	16	13	11*	12	115	
Introduced or brought from Lords	10	3	5	8	7	11	10	9	11‡	10	84	1
Rejected in House of Commons .	—	—	—	—	—	—	—	—	—	—	—	—
Passed House of Commons . . .	7	3	4	6†	3	4	9	7	7*	7	57	—
Percentage passed	63·63	33·33	57·14	60·00	25·00	30·76	56·25	53·84	63·63	58·33	49·56	00·00
Other Government Bills:												
Introduced or brought from Lords	56	49	40	47	46	57	67	55	60	49	526	40
Rejected by House of Commons .	—	—	—	—	—	—	—	—	—	—	—	—
Passed House of Commons . . .	42	32	22	29	23	13	45	41	47	37	331	31
All Government Bills—percentage passed	74·27	67·30	57·77	63·63	49·05	25·00	70·13	75·00	76·05	74·57	63·60	75·61
Private Members' Bills:												
Introduced into House of Commons	162	152	174	174	144	165	198	165	225	198	1757	179
Rejected by House of Commons .	5	4	3	3	2	4	2	1	2	3	29	—
Passed	15	4	14	14§	10	8‖	5	10	18	9	107	7**
Percentage passed	9·24	2·63	8·05	8·05	6.94	4·84	2·52	6·06	8·00	4·54	6·09	3·91
Time spent on abortive Legislation (computed) excluding time spent on Bills rejected:												
Government Bills	1	2	—	1	8	3	1	1	13	1	31	10††
Private Members' Bills	7	6	8	9	6	9	6	8	12	11	82	3

* Including 1 Hybrid Bill. † 1 Bill suspended till following Session not included. ‡ Including 2 Education Bills.
§ 3 Bills dropped in House of Lords. ‖ 2 Bills passed both Houses, but Lords' amendments were not considered.
1 Bill dropped in the House of Lords. †† These days were spent on the Resolutions preliminary to the Parliament Bill.

TABLE C.—Showing subsequent course of Government Bills dropped in House of Commons.

Session	Number of Bills dropped	1901		1902		1903		1904		1905		1906		1907		1908		1909		1910	
		Introd.	Passed.	Introd.	Passed.	Introd.	Passed.	Introd.	Passed.	Introd.	Passed.	Introd.	Passed.	Introd.	Passed.	Introd.	Passed.	Introd.	Passed.	Introd.	Passed.
1900	17	4	3	2	—	—	—	5	2	—	—	1	1	1	—	1	1	—	—	—	—
1901	17	—	—	5	3	3	1	4	2	—	—	3	2	—	—	1	1	—	—	—	—
1902	19	—	—	—	—	5	4	3	1	—	—	3	2	—	—	1	1	2	2	—	—
1903	20	—	—	—	—	—	—	10	2	—	—	7	6	1	1	—	—	—	—	—	—
1904	25	—	—	—	—	—	—	—	—	2	2	9	8	3	1	4	4	—	—	—	—
1905	51	—	—	—	—	—	—	—	—	—	—	24	16	6	3	5	5	—	—	—	—
1906	28	—	—	—	—	—	—	—	—	—	—	—	—	14	8	5	5	1	1	—	—
1907	14	—	—	—	—	—	—	—	—	—	—	—	—	—	—	6	5	1	1	—	—
1908	17	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	3	2	2
1909	15	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2

The figures in the second column show the number of Bills dropped in each session. Those in the subsequent columns show the number of these Bills dealt with in subsequent sessions.

TABLE D.

Showing progress made in successive Sessions with certain selected Bills.

Title of Bill	1900	1901	1902	1903	1904	1905	1906	1907	1908
Alkali, etc., Works	—	Passed House of Lords	—	Read 1°	Read 1°	Read 1°	Passed	—	—
Education (Scotland)	Queen's Speech: passed House of Lords	—	—	—	Committee stage: 5 days spent	King's Speech: Read 1°	—	Read 1°	Passed: 3 days spent
Light Railways	—	Read 1°	—	Read 1°	—	Read 1°	Read 1°	—	
Lunacy	Queen's Speech: passed House of Lords	King's Speech (a Bill dealing with Ireland passed)	King's Speech	—	Read 1°	Read 1°	—	—	Passed
Marine Insurance	—	—	—	Read 1°	Read 1°	Read 1°	Passed	—	—
Police Superannuation	—	—	Read 1°	Read 1	Read 1°	—	Passed (1 day spent)	—	—
Telegraph Construction	—	—	—	—	Read 1°	Read 1°	Read 1°	Read 1°	Passed

TABLE E.—Showing the number of days and hours during which the House of Commons sat in each Session, 1831–1910.

Session.	No. of days.	No. of hours.	Session.	No. of days.	No. of hours.	Session.	No. of days.	No. of hours.	Session.	No. of days.	No. of hours.
		h. m.			h. m.			h. m.			h. m.
1831–2	140	1,187 0	1852–3	160	1,193 41	1874	97	715 0	1893–4	226	1,912 37
1833	144	1,377 15	1854	127	997 16	1875	121	1,001 45	1894	113	951 8
1834	117	1,139 45	1854–5	136	1,044 18	1876	126	1,032 15	1895 Sess. 1	97	747 2
1835	128	1,010 20	1856	110	867 27	1877	122	1,039 35	Sess. 2	20	167 15
1836	131	1,010 30	1857	116	903 49	1878	136	1,140 40	1896	124	1,120 55
1837	115	755 15	1857–8	111	892 42	1878–9	130	1,148 5	1897	127	1,033 40
1838	176	1,128 0	1859	100	648 59	1880	121	1,040 5	1898	119	996 46
1839	128	894 30	1860	145	1,244 29	1881	154	1,400 5	1899 Sess. 1	117	979 15
1840	141	937 30	1861	116	921 2	1882	162	1,434 27	Sess. 2	9	50 0
1841	93	566 25	1862	113	885 59	1883	129	1,163 30	1900 Sess. 1	113	949 5
1842	117	948 30	1863	107	846 13	1884	126	1,102 50	Sess. 2	9	53 25
1843	122	999 30	1864	111	862 46	1884–5	129	1,028 21	1901	118	1,072 45
1844	123	915 45	1865	94	638 20	1886 Sess 1	89	694 5	1902	181	1,603 47
1845	119	1,026 45	1866	114	804 34	Sess. 2	31	239 45	1903	115	1,051 17
1846	139	954 0	1867	128	1,043 1	1887	160	1,453 54	1904	124	1,156 29
1847	121	916 0	1867–8	118	842 20	1888	160	1,386 43	1905	114	1,049 9
1848	170	1,407 30	1868–9	119	932 43	1889	122	1,085 25	1906	156	1,331 37
1849	121	958 30	1870	120	986 18	1890	125	1,088 43	1907	131	1,109 11
1850	129	1,104 14	1871	129	1,104 40	1890–1	141	1,183 35	1908	171	1,309 38
1851	120	921 2	1872	120	1,027 23	1892 Sess. 1	89	715 30	1909	179	1,548 20
1852	82	617 10	1873	112	877 20	Sess. 2	7	38 0	1910	103	674 27

TABLE F.—Showing distribution of time over various subjects of debate.

Session	1900 2 Sessions	1901	1902	1903	1904	1905	1906	1907	1908	1909	Average	1910
Finance (exclusive of Supply and Consolidated Fund Bills)	9	19	13	6	14	9	4	11	8	69	16·2	15
General Debate relating to:												
Empire (including Imperial forces)	20	18	21	23	27	24	17	12	15	18	19·5	19
Scotland	3	2	3	1	1	1	2	2	1	1	1·7	1
Ireland	8	12	13	3	8	14	7	8	10	5	8·8	1
Wales	1	—	2	3	—	—	—	1	—	—	·7	—
India	2	2	2	1	1	1	2	2	3	2	1·8	—
Canada and Newfoundland	—	—	—	1	—	—	—	1	—	—	·2	—
Australia	—	—	—	1	—	—	—	—	—	—	·1	—
New Zealand	—	—	—	—	—	—	—	—	—	—	—	—
South Africa	13	8	6	—	7	4	5	1	3	1	4·8	1
Egypt, Crown Colonies, &c.	3	3	1	2	1	1	1	1	1	1	1·5	3
Miscellaneous (including Supply for English services and procedure)	15	20	34	20	20	18	18	28	20	23	21·6	24
Legislation:												
Government Bills relating to:												
Empire (including Imperial forces)	4	7	1	7	1	3	1	14	1	2	4·1	5
United Kingdom	7	5	2	5	4	13	28	9	25	12	11	10
Parts of United Kingdom	17	5	67	28	27	9	53	27	63	25	32·1	5
India, Dominions, &c.	3	1	—	—	—	—	—	1	1	5	1·1	1
Private Members' Bills	14	13	15	13	12	15	14	12	16	13	13·7	6
Blank days	3	3	1	1	1	2	4	1	4	2	2·2	12
Total number of sitting days	122	118	181	115	124	114	156	131	171	179	141·1	103

TABLE G.—Closure and Guillotine.

SESSION	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910
ORDINARY CLOSURE:											
Number of times carried.	19	74	81	13	44	45	61	45	40	124	13
GUILLOTINE:											
Number of Bills guillotined	—	—	1	—	1	1	2	4	5	2	3*
Number of days guillotine was in operation	—	—	11	—	7	5	21	21	3	14	13
"KANGAROO" CLOSURE:											
Number of times carried	—	—	—	—	—	—	—	—	—	9	—

* Including the Resolution preliminary to the Parliament Bill.

TABLE H.—Government Bills referred to Standing Committees.

Session	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	Total
Number of Government Bills referred	7	6	3	8	5	—	18	18	15	10	3	93
Number of days spent on their consideration	22	18	10	26	14	—	52	74	93	23	1	333

TABLE J.—Number of Members appointed to, and number of Sittings of Committees.

Session	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910
Number of Members appointed to:											
Standing Committees	381	342	342	338	349	318	412	502*	496	441	355
Select Committees								146	226	155	128
Private Bill Committees	127	133	116	122	127	99	102	118	105	88	80
Number of days Committees sat:											
Standing Committees	31	26	20	43	26	24	52	88	115	59	15
Select Committees	197	189	262	158	140	165	321	171	301	176	94
Private Bill Committees	378	289	241	255	264	250	182	205	208	240	149

* In the course of 1907 the old Standing Committees on Law and Trade gave place to the four existing Committees. To avoid confusion no account is taken of Members appointed to serve on the old Committees in this Session. The sittings of those Committees however are included in the lower part of the column.

TABLE K.—Showing legislative results of Royal Commissions which reported 1890–9. [Certain Commissions appointed to carry out permanent schemes are ignored.]

Subject of Enquiry	Date of Reports	Year in which acts were passed	Remarks
Aged Poor	1895	1908	In this and the subsequent cases it is not to be understood that the legislation carries out the recommendations of the Commission either wholly or in part, but only that it deals with the same problems
Agriculture	1894–7	1906, 1908	
City & County of London	1894	1899	The Act was entirely contrary to the scheme of the Commission
Civil Establishments	1890	—	Legislation not required
Dominica	1894	—	" " "
Electrical Communication with Lighthouses and Lightships	1893–8	—	" " "
Explosions from Coal dust in Mines	1890–4	1896	The Act gave the Secretary of State power to make regulations
Financial relations between Great Britain and Ireland	1895	—	The Commissioners made no specific recommendations
Horse breeding	1890–9	—	
Indian Expenditure	1896	—	Legislation not required
Labour	1892–4	'96, '00, '04, '06, '09, etc.	
Land Acts and Land Purchase Acts (Ireland)	1898	1901, 1903, '06, '07, '09	
Land in Wales and Monmouthshire	1906	—	Some recommendations applied to England and Wales by Agricultural Holdings Act, 1908
Liquor Licensing Laws	1897–9	1902, 1904, '06, '08, '10	
Local Taxation			See back, the final Report was issued [in 1901
London University	1894	1898	
Market Rights and Tolls	1890–1	—	The law was slightly strengthened by the Local Government Act, 1893, and the Public Health Act, 1908
Metropolitan Water Supply	'93, '99	1902	
Mining Royalties	1890–4	—	
Naval and Military Departments	1890	—	A measure of co-ordination was effected by the formation of the Imperial Defence Committee, 1903
Opium	1894–5		Legislation not required
Redemption of Tithe Rent Charge	1892		
Secondary Education	1896	1902	
Sunday Closing (Wales)	1890	1910	
Tuberculosis	1895–8	1903, 1907, 1908	The Act of 1903 applied only to Scotland, that of 1908 only to Ireland
Tweed & Solway Fisheries	1896	—	
Vaccination	1890–6	1898, 1907	
Westminster Abbey	1890–1		Legislation not required

PART I

A COMPARISON OF THE ADMINISTRATIVE SYSTEMS OF ENGLAND, SCOTLAND AND IRELAND

CONTENTS

PART I

DEPARTMENTS OF GOVERNMENT WHICH ARE UNIFORM THROUGHOUT THE UNITED KINGDOM.

DEPARTMENTS OF GOVERNMENT WHICH ARE DIVERSE IN THE DIFFERENT PARTS OF THE UNITED KINGDOM.

DEPARTMENTS OF GOVERNMENT WHICH ARE UNIFORM THROUGHOUT THE UNITED KINGDOM.

I. Defence. *Parliamentary Control* over the armed forces is retained by means of annual appropriations of supply to pay their cost, and in the case of the Army by the Army Act, which has to be renewed from year to year, and without which no soldier would be subject to military law. There is no such annual renewal of a discipline Act in the case of the Navy.

The Committee of Imperial Defence is a more or less informal sub-Committee of the Cabinet with expert advisers, whose duty it is to bring the forces of the Crown into correlation with one another and to assist the Cabinet in forming its decisions on all matters involving warlike operations.

The Secretary of State for War is responsible for the administration of the Army.

The Board of Admiralty is responsible for the administration of the Navy. It consists of six Lords (First Lord, four Naval Lords, and a Civil Lord) appointed to execute the functions of "Lord High Admiral." The First Lord is pre-eminent and practically in the same position as the Secretary of State for War. In practice the Parliamentary and permanent Secretaries also sit as members of the Board.

II. Foreign Affairs are administered by the Secretary of State for Foreign Affairs, assisted by a Parliamentary Under-Secretary and permanent staff. He is less under control of Parliament than any other minister, but more under the control of the Cabinet, as important dispatches are in practice circulated to the Cabinet.

The Foreign Office also administers certain Protectorates, not closely in touch with any Colony, *e.g.* : Egypt.

III. COLONIAL AFFAIRS are administered by the *Secretary of State for the Colonies*, assisted by a Parliamentary Under-Secretary and a permanent staff. He is responsible for all outlying dependencies of the Crown, except those under the Foreign Office and India. The Isle of Man and Channel Islands are under the Home Secretary, and Ascension Island is considered a vessel of war and is under the Admiralty.

IV. TRADE AND COMMERCE. This is a general and not very accurate description for the various functions of the *Board of Trade*, which is technically a Committee of the Privy Council, with a President of its own. The latter is practically the Board and is assisted by a Parliamentary Under-Secretary and a permanent staff.

The Board deals with trade and many of the chief agencies of trade, especially transportation, and is mainly engaged not in direct administration, but in regulating and supervising the work of local and private bodies and in enforcing the law. Its power has grown by making it responsible for the enforcement of a great many statutes. Its functions may be roughly classified as follows :

(1) *Collecting Information*, *e.g.* : statistics of domestic and foreign trade, and advising other departments of Government on commercial matters, labour-bureaus, statistics of wages, &c. ; arbitration in trade disputes.

(2) *Registration*, maintaining standards of weights and measures ; registering joint-stock companies ; recording patents and trade-marks ; registering ships and seamen.

(3) *Inspection* of merchant vessels' equipment, &c., with power to detain unseaworthy craft. Control of harbours ; enforcement of laws relating to railways ; inquiry into causes of railway and sea accidents.

(4) *Authorising Undertakings of a Public Nature.* It has to sanction by-laws of Railway Companies, and makes reports to Parliament on private bills authorising the building of new lines of railway, supply of water, gas, and electric light, construction of light railways and tramways. The Board also has the power in certain cases of legislating for these purposes by means of Provisional Orders, passed after hearing persons interested and subsequently confirmed by Parliament with a procedure analogous to that prescribed for private bills.

(5) *Direct Administrative Work.* It has financial control over the Trinity House, an ancient corporation of self-elected brethren which has charge of lighthouses, beacons, and buoys in England and Wales, and over the Commissioners of Northern Lighthouses in Edinburgh and the Commissioners of Irish Lights in Dublin.

Note :—Bankruptcy is also a branch of the administrative work of the Board of Trade in England only, there being a staff of inspectors, examiners, and official receivers. In Scotland and Ireland the law of bankruptcy is different.

V. FINANCE. The Treasury is the central department of the administration and exercises a close financial control over all other departments, both spending and revenue departments.

Parliamentary Control over finance is preserved (*a*) by Parliamentary sanction being necessary for the imposition of all taxation either by permanent statutes or by the annual Finance Act ; (*b*) by Parliament voting in Committee of Supply all appropriations for the supply of services. Certain charges (*e.g.* the Royal Civil List, the salaries of the Speaker and Judges, certain pensions, and the interest on the national debt) are paid direct out of the Consolidated Fund by statute, and annual parliamentary sanction is not required. But even these could be stopped by an Act of Parliament.

The Lords of the Treasury, appointed to exercise the office of the Lord High Treasurer, are the First Lord, the Chancellor of the Exchequer, and certain Junior Lords (whips). There are also patronage and financial secretaries, both Parliamentary offices, and a permanent staff. In practice the Chancellor of the Exchequer is the controlling authority in finance.

The three chief collectors of Revenue are the Commissioners of Customs and Excise, the Commissioners of Inland Revenue and the Post Office. All these, including the Post Office in its financial aspect, are practically under the control of the Treasury. Except the Post Office they have no political head of their own. Nor have the Commissioners of Woods, Forests, and Land Revenue. Each office has separate branches in Dublin and Edinburgh, but each is really a single office.

The system of taxation throughout the United Kingdom is generally uniform, but there are certain minor differences, *e.g.* there is no inhabited house duty or licence on men-servants in Ireland, and the land-taxes vary in the different parts of the United Kingdom.

Over the spending departments the control of the Treasury is in theory very close, *e.g.* salaries are usually fixed by the Treasury or regulated by Orders in Council which are only altered on the advice of the Treasury. Any increase in civil establishments requires Treasury sanction. Contracts by the Post Office and the Board of Works require Treasury sanction. Transfers of supply from one vote to another, or in some cases from one sub-head to another, have also to be approved by the Treasury.

Various outlying offices or branches of the administration which have no political head of their own are under the control of the Treasury and the First Lord makes appointments to them. Instances are: The Civil Service Commission, Parliamentary Counsel's Office (for drafting Government bills), and the Stationery Office.

VI. COMMUNICATIONS. (a) *Post Office.* The control of the Postmaster General extends all over the United Kingdom but he has separate Secretaries for England and Wales, Ireland and Scotland, with offices in London, Dublin and Edinburgh. The Postmaster-General is not necessarily a member of the Cabinet and is really only a manager, as he is under the close financial control of the Treasury (*vide* "Finance"). But he has enormous patronage and since 1902 has been continuously in the Cabinet.

(*b*) *Railways.* The Railways Regulation Act of 1840 and subsequent Acts gave the Board of Trade control over all railways, with powers of inspection, inquiry into accidents, approval of by-laws, &c. The Railway and Canal Commission established by Parliament in 1873 has partly judicial and partly administrative duties (*e.g.* to standardise rates and fares) and is of a permanent character. The Light Railways Act of 1896 created a Board of Commissioners with power to sanction such railways (really tramways) by provisional orders, which become valid when approved by the Board of Trade without Parliamentary sanction.

(*c*) *Harbours.*—These are also under the Board of Trade, which has powers of inspection, approval of plans, &c.

(*d*) *Lighthouses.*—The Board of Trade's authority extends all over the United Kingdom, and it has financial control over the different managing bodies. These are: (i) For England and Wales, the Trinity House, an ancient self-elected body, constituted by a charter of 1514. (ii) For Scotland, the Commissioners of Northern Lighthouses (Edinburgh). (iii) For Ireland, the Commissioners of Irish Lights (Dublin).

(*e*) *Shipping.*—Merchant and passenger vessels are under the control of the Board of Trade.

VII. PUBLIC WORKS. The Office of Works is composed of a Board of Commissioners, which is a Committee of the Privy Council. The First Commissioner is the political head of the department and performs all the

functions of the Board, the other Commissioners being the five Secretaries of State and the President of the Board of Trade. This department looks after the royal parks and palaces and all public buildings. It is not of great political importance, though large sums of money pass through it, as it is very closely under Treasury control. The Treasury's permission is required before it can undertake any work not directly ordered by Parliament, and all large contracts require the sanction of the Treasury, which also appoints the staff of the office. There are separate branches of the office in Edinburgh and Dublin, but both are under the First Commissioner.

VIII. Management of Crown-Lands. This is under the care of the Commissioners of Woods, Forests, and Land Revenue, who collect the revenues of what are technically known as Crown-lands and Forests, the surplus income of which is paid to the Exchequer. The three Commissioners are a permanent non-political body under the control of the Treasury, but one of the Commissioners is the President of the Board of Agriculture (unpaid in this capacity). There is a separate branch in Dublin, but not in Scotland.

IX. Miscellaneous Departments under the Home Secretary. The following branches of administration are uniform throughout the United Kingdom and are managed by the Home Office :—

(i) Inspection of Factories.
(ii) Inspection of Mines.
(iii) Inspection of Explosives.
(iv) Naturalisation.
(v) Administration of the Aliens Act, 1905.
(vi) Administration of Cruelty to Animals (Vivisection) Act.
(vii) Inspection of Anatomy.

DEPARTMENTS OF GOVERNMENT WHICH ARE DIVERSE IN THE DIFFERENT PARTS OF THE UNITED KINGDOM

I.—*Judicial System.*

ENGLAND AND WALES.

System of Law.	English Law.
Supreme Court of Appeal.	The House of Lords is the ultimate Court of Appeal from Council hears appeals from the Isle of Man and from the astical courts in England.
Court of Appeal.	Court of Appeal London. Lord Chancellor, Lord Chief Justice, Master of the Rolls, President of Probate and Divorce Division, and 5 Lord Justices.
Court of Criminal Appeal.	Lord Chief Justice and 8 Judges of King's Bench Division appointed by him with consent of Lord Chancellor.
High Court.	(*a*) Chancery Division. Lord Chancellor and 6 Judges. (*b*) King's Bench Division. Lord Chief Justice and 15 Judges. (*c*) Probate, Divorce, and Admiralty. President and 1 Judge.
Subordinate Civil Courts.	County Court Judges appointed and removable by Lord Chancellor.
Subordinate Criminal Courts.	(*a*) London. Stipendiary Magistrates appointed by Home Secretary. Salaries paid by central government. (*b*) Large Boroughs. Stipendiary Magistrates and Recorders appointed by Home Secretary. Salaries paid by Borough. (*c*) Justices of the Peace (unpaid) appointed by Lord Chancellor. Sitting (*a*) in Quarter Sessions with elected chairman (*b*) in Petty Session. (*d*) Coroners appointed by County or Borough Councils.

I.—*Judicial System.*

SCOTLAND.	IRELAND.
Scots Law, largely founded on Roman Law; no distinction between law and equity.	English Law.

all parts of the United Kingdom but the Judicial Committee of the Privy Channel Islands (technically colonies for certain purposes), and from Ecclesi-

SCOTLAND.	IRELAND.
Inner House, Court of Sessions (Edinburgh). Lord President, Lord Justice Clerk, and 5 Judges.	Court of Appeal (Dublin). Lord Chancellor of Ireland, Lord Chief Justice, Master of Rolls, and 2 Lords Justices.
None.	None.
Outer House of the Court of Sessions. [5 Judges]	(*a*) Chancery Division. Lord Chancellor, Master of Rolls, Land Judge, and another Judge. (*b*) King's Bench Division. Lord Chief Justice, Chief Baron, and 8 Judges.
Sheriffs (a nominal office), Sheriff-deputes and Sheriff-substitutes, appointed by Crown. Sheriff-deputes can practise outside their own jurisdiction.	County Court Judges appointed by Lord Lieutenant.
(*a*) Sheriff-deputes and Sheriff-substitutes. (*b*) Procurator-fiscal, appointed by Sheriff, removable by Secretary for Scotland, acts as Public Prosecutor and Coroner. (*c*) Justices of the Peace, appointed by the Crown. (*d*) Baillies, elected by the Town Council, sit as police and licensing magistrates in burghs only.	(*a*) Chairmen of Quarter Sessions (paid). These are usually county court Judges. (*b*) Resident magistrates (paid) appointed by Lord Lieutenant to assist J.P.s at Quarter and Petty Sessions. (*c*) Justices of the Peace, appointed by Lord Chancellor of Ireland.

II. *Police.*

England and Wales.

Provincial Police are, in the case of County forces, under the control of a "Standing Joint Committee" representing the County Justices and County Council. In boroughs having separate police forces they are under the control of the Watch Committee, which is a Committee of the Borough Council. But the Home Secretary exercises central control by the rule that half the cost of the pay and clothing of the police is provided by the Central Government if the Inspectors of the Home Office certify the force as efficient. All by-laws of local bodies touching police regulations have to be submitted to the Home Secretary, and may be disallowed by Order in Council within forty days, or such longer time as His Majesty may fix.

The Metropolitan Police is under the exclusive control of the Home Secretary exercised through the Commissioner. It serves a much larger area than the County of London. Rather more than half its cost is met by a rate levied in the Metropolitan Police area.

City of London Police is maintained by the Corporation of the City without any contribution from the Treasury.

III. *Prisons.*

The central authority is the Prison Commissioners (Chairman and three members) appointed by the Crown on the advice of the Home Secretary, and under the latter's control. Governors of prisons are appointed by the Home Secretary on the advice of the Chairman of Prison Commissioners. The cost is defrayed by the Central Government. There is no local control except for visits of visiting justices, who have certain powers of punishment.

IV. *Lunatic Asylums.*

Lunacy Commission (Chairman and six members, three medical and three legal) is appointed on the recommendation of the Lord Chancellor to help and direct Committees of County Councils in the management of County Lunatic Asylums. The cost is defrayed partly by rates and partly by Treasury grants. The Home Secretary has also numerous duties imposed on him by an Act of 1890, *e.g.* his approval of plans is required before the Local Government Board will allow County Councils to raise loans for the purpose of Asylum buildings.

There are considerable possibilities of friction between the Lunacy Commission and the Home Secretary.

II. *Police.*

SCOTLAND.	IRELAND.
Local control is by a joint Committee half chosen by the Commissioners of Supply (who are practically the Justices of the Peace under another name) and half by the County or Borough Council. Central control is maintained by the Secretary for Scotland as by the Home Secretary in England.	There is no control by any local body. The Royal Irish Constabulary is under the direct and sole orders of the Chief Secretary to the Lord Lieutenant. Sometimes a County is called on to pay the cost of extra police force necessitated by local disturbances.

III. *Prisons.*

Prison Commission (Chairman and one member) is appointed by the Secretary for Scotland, and is under his control. Governors are appointed by the Secretary of Scotland on the Chairman's advice. The cost is paid by the Central Government. Visiting Justices as in England.	General Prisons Commission (Dublin) under the control of and appointed on the advice of the Chief Secretary. The cost is paid by the Central Government. Visiting Justices are appointed by the Grand Jury.

IV. *Lunatic Asylums.*

The Board of Lunacy (Edinburgh), appointed by and under the control of the Secretary for Scotland, corresponds to the Lunacy Commission in England. Local control is by Committees appointed by one or more County Councils. The cost is defrayed partly by rates and partly by Treasury Grants.	General control is by the Irish Local Government Board which maintains inspectors. Local bodies are committees of County Councils as in England. Cost defrayed partly by rates and partly by Treasury Grants.

V. *Agriculture and Fisheries.*

ENGLAND AND WALES.

The Board of Agriculture (established 1889) consists of a President, the five Secretaries of State, &c.; but the President alone performs its functions. Its work is mainly that of control over various local and private bodies, but it has other functions, *e.g.* prevention of contagious diseases among animals, collection and publication of agricultural statistics, commutation of tithes, enclosure of commons, allotments to labourers, and the improvement of land by private owners. It also administers the Acts relating to sea, salmon, and freshwater fisheries in England and Wales, and supervises Kew Gardens and the Ordnance Survey of the United Kingdom.

VI. *Education.*

A. *Elementary.*

Central Authority.—The Board of Education, consisting of a President, the five Secretaries of State, First Lord of Treasury, Chancellor of Exchequer, with a Parliamentary and permanent Secretary. In practice the President alone exercises all the functions of the Board. His control is maintained by a large staff of inspectors, whom he appoints, and by means of a minimum grant from the State of four shillings annually per scholar, with additional grants to poorer local authorities.

Local Authority.—The Elementary Education Act of 1902, constituted as local authorities the County Council, the Borough Council, and the Urban District Council (for places with a population of over 20,000) in place of the old School Board. The Councils work through Education Committees, whose composition requires the approval of the Board of Education; a majority of the Committee has to consist of members of the Council, and the remainder of persons (who may be women) experienced in education, nominated by various bodies.

V. *Agriculture and Fisheries.*

SCOTLAND.	IRELAND.
The Board of Agriculture has authority over Scotland, except in regard to fisheries, which are administered by the Fishery Board for Scotland (Edinburgh), appointed by and under the control of the Secretary for Scotland. This Board administers various Acts dealing with fisheries. Its by-laws require the approval of the Secretary for Scotland.*	There is a Department of Agriculture and Technical Instruction in Dublin, of which the Chief Secretary is President, but there is also a Parliamentary Vice-President. This Department was established in 1899 and has a considerable endowment. It performs all the duties of the Board of Agriculture in England (including Fisheries), and for some purposes is assisted by a popularly elected advisory body. It also deals with technical instruction.

VI. *Education.*

A. *Elementary.*

Central Authority.—There is a separate Committee of the Privy Council for Scotch Education with the Secretary for Scotland as its Vice-President. In practice the Vice-President exercises as a rule all the functions of the Committee. The Scotch Education Department is, however, technically a branch of the Privy Council Office. Its inspectors are appointed by the Secretary for Scotland.	*The Central Authority* is the Commissioners of National Education (Dublin). These are appointed by the Lord Lieutenant, and are partly Protestants and partly Catholics. Only one Commissioner (called the Resident Commissioner) is paid. They exercise their powers under a charter and through a small body of inspectors, and distribute the Treasury Grants in aid of elementary education, which in 1908–9 totalled about £1,500,000. There is no rate for education in Ireland, and the only other receipts are very small amounts from fees and voluntary subscriptions.
Local Authority is the School Board, elected once every three years by owners or occupiers of over £4 in annual value in certain administrative areas. In 1904 School Boards managed 2,834 out of 3,189 elementary schools in Scotland. School Boards have to comply with	*Local Authorities.*—County Councils have not as a rule any connection with elementary education. Speaking generally, the provision of national schools is left to private effort and the person who provides the school, who is usually the parish priest or clergyman, appoints the Managers. The latter

* Since going to press there has been set up, April 1, 1912, a Board of Agriculture for Scotland, appointed by the Secretary for Scotland, and "charged with the general duty of promoting the interests of agriculture, forestry, and other rural industries in Scotland." It supervises rural instruction, collects statistics, etc., and one of its Members administers the Small Landholders Act. Other powers may be transferred from the English to the Scottish Board by order in Council [Small Landholders (Scotland) Act, 1911, 1 & 2 Geo. 5 Cap. 49 S. 4.] The English Board retains all its powers with regard to diseases of animals.

VI. *Education—continued.*

A. *Elementary—continued.*

ENGLAND AND WALES.

Over "provided" schools (the old Board Schools) the control and responsibility of the local authority is complete. It is required to establish for each school or group of schools a body of managers, two-thirds of whom are appointed by the Council, and one-third by the small borough, urban district, or rural parish in which the school is situate. These managers are in every respect under the control of the Council.

For non-provided schools (*i.e.* the old voluntary schools) the Managers are different. Four are appointed in accordance with the original trust-deed, one by the County or Borough Council, and one by the small borough or rural parish. Over these Managers the Council's control is limited. It can prescribe the course of secular instruction and its methods, and the qualifications of teachers. Its consent is required for the appointment of teachers, but cannot be withheld on religious grounds. The Managers have to provide the schoolhouse with such alterations as are required, and to make repairs not due to wear and tear. The "time-table conscience clause" has to be observed. If these conditions are complied with the Council is bound to provide from rates the money required to maintain the school efficiently.

Elementary education is compulsory from the age of five to the age of thirteen (with certain exceptions) and is free, except that non-provided schools are permitted to continue charging fees under certain conditions. Local authorities may levy a rate of ½d. in the £1 to feed "necessitous" children.

VI. *Education—continued.*

A. *Elementary—continued.*

SCOTLAND.

three conditions, (*a*) a "time table conscience clause" approved by the Department, (*b*) its teachers must possess a certificate of competency granted by the Department, (*c*) schools must be open at all times to the Department's Inspectors. Compliance with these three conditions entitles the school to an annual grant under conditions which are modified from time to time by the Department. The School Boards are at liberty to adopt, during the hours set apart for religious instruction, any religious formula they please. They are responsible for enforcing attendance, which is compulsory and free up to the age of thirteen (with certain exceptions). Local authorities may levy a rate of ½d. in the £1 to feed necessitous children, but few authorities have done so.

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can appoint the teachers, who are paid by the Commissioners.

Elementary education is under the Irish Education Act of 1892 compulsory only in municipal boroughs or townships under town-commissioners. The Borough Council or town-commissioners are in such areas the local authority, and are responsible for the appointment of attendance-committees to enforce attendance. Half of the members of such committees are elected by the local authority, and half must be managers or patrons of schools in the area. The Committee hold office for three years, and their expenses are paid out of the local rates, this being the only way in which the rates contribute to the cost of elementary education. Fines inflicted by the Committee go to the relief of the rates. In 1910 there were only 210 attendance committees.

The provisions as to compulsory attendance may by resolution be extended by the County Council to any part of the county, and in such cases the County Council becomes the local authority. This power is, however, very little exercised. The commissioners of National Education may apply the rule of compulsory attendance to any suburb of or place adjoining a borough or town under township commissioners, with the consent of the local authority. The age of compulsory attendance is from 6 to 14, with certain exceptions.

Elementary education is free except in schools where the fees before 1891 averaged over 6*s*. per annum per child. Fees can only be fixed or altered with the approval of the National Commissioners.

Full liberty of religious teaching is allowed, but no child can be made to attend any religious instruction to which his parents object.

VI. *Education—continued.*

B. *Secondary and Technical.*

ENGLAND AND WALES.

The Central Authority is again the Board of Education, which maintains a special staff of inspectors for secondary schools. These are entitled to inspect, with the consent of the schools, secondary schools not aided by the State. Grants from the State for secondary education totalled in 1908–9 nearly £2,000,000, mainly in the form of grants based on average attendance. The grant is usually £2 for the first year of the four years' course, rising by annual increments of £1 to £5 for the fourth year. The object is to encourage attendance for the full four years, as the tendency is for pupils to leave after a year or two. The Board has laid down fairly closely the curriculum to be followed in all secondary schools receiving state-aid.

VI *Education—continued.*

B.—*Secondary and Technical.*

SCOTLAND.

The Central Authority is the Scotch Education Department, which exercises a much closer control over secondary and higher schools than the Education Board in England. It audits the accounts and inspects all endowed schools, and in 1886 its powers of inspection were extended over higher schools of all kinds with a leaving certificate examination. The cost of examination and inspection is borne mainly by the State

IRELAND.

Central Authority.—The Commissioners of National Education administer a few small endowments in aid of certain secondary schools.

The Irish Intermediate Education Board is an examining and inspecting Board under the control of the Chief Secretary, and consisting of two paid Commissioners. It administers a large endowment and awards grants to higher schools on the results of its inspection.

The Department of Agricultural and Technical Instruction (Dublin) is under an Act of 1899 the central authority for technical education. The Chief Secretary is President of this Department, and there is also a Parliamentary Vice-President. The Department administers the Treasury Grants for science and art and for technical instruction, and is assisted in doing so by a Board of Technical Instruction, consisting of persons appointed by various local authorities, one member each appointed by the National Commissioners and the Intermediate Education Board, and four persons appointed by the Department. The Act of 1899 also provided a consultative committee "for co-ordinating educational administration," consisting of the Vice-President of the Board and four members, one each appointed by the National Commissioners, the Intermediate Education Board, the Agricultural Board, and the Board of Technical Instruction.

The Departments receive from Parliament a share of the whiskey-money and other grants, and distributes these among County and Borough Councils in aid of schemes approved by the Department.

VI. *Education—continued.*

B. *Secondary and Technical—continued.*

ENGLAND AND WALES.

Local Authority.—By the Technical Instruction Act of 1889, County, Borough, and Urban District Councils can levy a rate not exceeding 1d. in the £, to supply or aid manual or technical instruction. Where such aid is given to an endowed or existing school, the Council is entitled to a proportionate voice in the governing body. The Local Taxation (Customs and Excise Act) of 1890 gave a large part of the proceeds of beer and spirit duties to County and Borough Councils for the same purpose. This is known as "whiskey money." Finally, Part II. of the Education Act of 1902 authorised County and Borough Councils to establish or aid secondary or higher schools in any way they thought fit (having regard to the existing local supply of schools) and to levy a rate up to 2d. in the £, or such larger sum as the Local Government Board might approve for this purpose. The Act laid down certain rules as to the religious teaching in such Council Schools. Very many Councils have never levied this 2d. in the £ rate, but where it is levied, this rate and the "whiskey money" are used (*a*) in maintaining such Council schools as exist, (*b*) in aiding endowed or other schools not under the Council's management and, (*c*) in providing scholarships for poor pupils. Of 575 secondary schools receiving a grant from the Board of Education in 1906, only 123 were directly managed by a local authority, and only 56 of these provided a course of general instruction, with or without a special course in science or art. This shows that only a small part of the *general* secondary schools is under the control of local bodies.

VII. *The National Church.*

Appointment of Officers. The 2 Archbishops and 35 Bishops are appointed by the Crown on advice of the Prime Minister. The 2 Archbishops and the Bishops of London, Durham and Winchester sit in the House of Lords, and 21 of the remaining 32 in order of seniority of appointment. Suffragan (or assistant) Bishops may be appointed for such places as the Crown in Council may direct. They are chosen by the Crown from 2 candidates nominated by the Bishop of the diocese. Deans and Canons of Collegiate Churches and Cathedrals are sometimes nominated by the Crown, sometimes by the Bishop, and sometimes chosen by the Chapter.

Archdeacons and Rural Deans are appointed by the Bishop.

Of Parish Clergy, about half the benefices are in the hands of lay patrons. The other half are in the hands of the Crown, the Lord Chancellor, Bishops, Deans and Chapters, Universities, and Colleges. The right of advowson (nomination to a benefice) is private property and can be disposed of as such.

Doctrine and ritual is mainly contained in the Thirty-Nine Articles and Book of Common Prayer, which have the sanction of various Statutes, *e.g.* the Thirty-Nine Articles of an Act of 1571 and the Prayer Book of the Act of

VI. *Education—continued.*

B. *Secondary and Technical—continued.*

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The Scotch Education Act of 1872 placed the management of Burgh and Grammar schools under the School Boards. In 1878 the Boards were authorised to maintain secondary education out of the local school rates. The Technical Education Act of 1887 empowered the School Boards to establish technical schools, but this power is seldom used, as the Local Taxation Act of 1890 placed funds ("whiskey money") for this purpose at the disposal of County and Town Councils. In 1892 and 1896 Acts were passed granting subventions from the central government to aid Secondary education.	*Local Authorities.*—County Councils, Borough Councils, and Urban District Councils may levy a rate not exceeding 1*d.* in the £1 for "agricultural and other rural industries, and for other purposes under the Act of 1899," but all expenditure from this rate has to be on schemes approved by the Department. This power of levying a rate is little resorted to. *Note.*—The great distinction between education in Ireland and that in other parts of the United Kingdom is that in Ireland practically the whole cost is met from imperial grants. Local taxation for educational purposes is almost unknown, and is only legal for purposes of technical instruction. Consequently the control of local bodies over education is much less close than in England or Scotland.

VII.—*The National Church.*

Appointment of officers.—No grades are recognised in the Ministry. Since 1874 appointments to benefices have been by election by the congregation, and lay patronage has disappeared. The only officer appointed by the Crown is the Lord High Commissioner of the General Assembly, who represents the Sovereign but has no power in the Assembly. *Doctrine and ritual* is contained mainly in the Confession of Faith, sanctioned by Parliament in 1648 and	There is no national church in Ireland, the Church of England there having been disestablished and disendowed in 1868. The State recognises no church in Ireland. About 23 per cent. of the population belong to the Church of England.

VII. *The National Church—continued.*

ENGLAND AND WALES.

Uniformity of 1662. There are other acts dealing with vestments and ornaments. Any change has to be framed by Convocation, and must be confirmed by Act of Parliament.

Discipline. The main Acts are the Church Discipline Act of 1840, the Public Worship Regulation Act of 1874, the Clergy Discipline Act of 1892. The common features of these are:—(*a*) No proceedings can be instituted without the consent of the Bishop of the Diocese. (*b*) Unless the complainant and defendant agree to submit to a final decision by the Bishop, the trial takes place in an ecclesiastical Court with a lay judge, appointed by the two Archbishops subject to confirmation by the Crown. This is a permanent Court. An appeal lies to the Judicial Committee of the Privy Council.

Legislative Bodies. There is a Convocation for each of the two Provinces, Canterbury and York. The Upper House in each consists of the Archbishop and all bishops, and the Lower House of Deans of Cathedral and Collegiate Churches, a proctor elected by the chapter of each cathedral, and two proctors elected by the Clergy of each diocese. The powers of these bodies are very limited, as they are summoned and prorogued by the Crown, and their canons cannot, without sanction of Parliament, bind the laity or change the law of the land (including every service and rubric in the prayer book).

Church Revenues. The three sources of revenues are:—(i) *Tithes*, since 1836 usually commuted into a money payment called tithe rent charges. They have now become a private right to a rent charge. Three-fifths of them are paid direct to parish clergy. (ii) Queen Anne's bounty, founded to improve the lot of poor incumbents. (iii) Capital sums aggregating £1,500,000 granted by

VII. *The National Church—continued.*

SCOTLAND.	IRELAND.
the shorter catechism, drawn up by the Assembly of Divines in the same year. But amendments can be made by the General Assembly, and the sanction of Parliament to them would not be necessary. It is, however, a point of some little doubt whether any person objecting to the change could seek redress in a civil court, but the weight of authority would seem to be against this view.	
Discipline is maintained by the General Assembly and by the subordinate courts (Synods). The General Assembly is the supreme ecclesiastical Court as well as a legislative body. No appeal from a judicial decision of the Assembly lies to a Civil Court.	
Legislative Body. The Church is divided into sixteen Synods and eighty-four Presbyteries. The General Assembly is composed of clerical and lay members elected by the Presbyteries, of Elders chosen by the royal burghs, and of representatives of the Universities. It meets once a year in Edinburgh for about ten days. It is opened by the Lord High Commissioner (*supra*) and presided over by a Moderator elected by the Assembly and given precedence during his term of office by the Crown. It is the supreme ecclesiastical court and legislative body and much more powerful than Convocation in England, being practically free from all State control. It can for instance depose a minister from his benefice. Much of its business is transacted by permanent Committees.	
Church Revenues. The general revenues of the Church are small and consist mainly of endowments or voluntary subscriptions. They are administered by a permanent Committee of	

VII. *The National Church—continued.*

ENGLAND AND WALES.

Parliament in 1816 to build new churches, which were administered till 1836 by the Church Building Commission. In 1836 that body was merged into the Ecclesiastical Commissioners. (iv) Income of Church lands and other property and voluntary contributions.

The three latter sources are under the management of the Ecclesiastical Commissioners, a permanent commission created in 1836. It now consists of the Archbishops and Bishops, certain of the Deans, the Lord Chancellor, Lord President, First Lord of Treasury, Chancellor of Exchequer, Home Secretary, Lord Chief Justice, Master of Rolls, two other Judges, and certain members nominated by the Crown. It receives all the revenue of the Church, other than tithe rent charges paid to parish clergy, and out of them pays the income of Archbishops, Bishops, and Cathedral and Collegiate Churches, all of which are fixed by statute. The surplus revenue (about 1⅓ millions in 1904) it employs to augment small livings and create new ones.

There is no taxation from the State for the benefit of the Church. Church rates are voluntary.

VIII. *Local Government.*

Central Control.—In regard to means of transportation (railways and tramways) and the supply of electric light, Local authorities are under the *Board of Trade* (q.v.).

In regard to the enclosure of commons and the administration of certain Acts (*e.g.* for the prevention of contagious diseases among animals, Agricultural Holdings Act, 1900, Improvement of Land Act, 1899, and regulations for analysis of Milk, &c.), local bodies are under the control of the *Board of Agriculture* (q.v.).

In Police matters, the central controlling authority is the *Home Office* (*see* Police). This Department also controls the action of local bodies in regard to Industrial and Reformatory Schools.

In Education, the central authority is the *Board of Education* (*see* Education).

In most other matters the *Local Government Board* has the superintendence and control of local affairs. This was created by an Act of 1871 out of the Poor Law Board, and consists of the Lord President, the five Secretaries of State, Lord Privy Seal, Chancellor of the Exchequer and a political President, the latter in practice performing all the functions of the Board. There is also a Parliamentary Under-Secretary, who is not a member of the Board, and a large permanent staff.

VII. *The National Church—continued.*

SCOTLAND.

the General Assembly. There is no taxation or subvention from the State. There are no church rates. The stipends of the Parish clergy are met by Teinds (Tithes) paid by the heritors (landowners) of the Parish. There is a special Court of Commission of Teinds (a judge of the Court of Sessions) before whom a heritor or minister may sue for valuation of teinds. The Court may value the teinds and augment the Ministers' stipend, but an interval of twenty years must occur between each augmentation, or it may reduce the stipend. The heritor may purchase the teind, *i.e.* pay a lump sum in discharge of his liability to annual payments.

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VIII. *Local Government.*

SCOTLAND.

Central Control. — In regard to education, the Scotch Education Department. In regard to reformatory and industrial schools, the Scottish Office. In matters connected with the supply of transportation, light and water, the Board of Trade. In police matters, the Secretary for Scotland. In agricultural matters, The Board of Agriculture. In most other matters, the Scottish Local Government Board.

This latter Board consists of the Secretary for Scotland as President and the Solicitor General and permanent Under-Secretary for Scotland as ex-officio members. But the ordinary administrative work is done by the Board in Edinburgh, viz. a Vice-President and a legal and a medical member, all of whom are paid.

A peculiar feature of the Scotch system of local government is the control exercised by the sheriff-substi-

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Central Control. In regard to elementary education, the Commissioners of National education. In technical education and agriculture, the Board of Agriculture and technical instruction. In regard to transportation and lighting, &c., the Board of Trade. For other purposes, the Irish Local Government Board, consisting of the Chief Secretary to the Lord Lieutenant as President, a permanent Vice-President, and two Commissioners, one of whom is the permanent Under-Secretary for Ireland. The Office of the Board is in Dublin.

VIII. *Local Government—continued.*

ENGLAND AND WALES.

Methods of Central Control.

(*a*) *Legislative Powers*, exercised by means of provisional orders (which generally require Parliamentary sanction), rules, and regulations, which are very minute and detailed, examples of which are the orders to Poor Law Guardians, who manage workhouses on behalf of Unions. The Board has power to issue orders under the Public Health Acts and many other Statutes, including the Canal Boats Acts, 1877 and 1884. It can by provisional order alter, amend, or repeal local sanitary Acts.

By-laws made by any local authority under the Public Health Act, 1875, including by-laws dealing with markets, slaughterhouses, hackney carriages and public bathing, and under the Highways and Locomotives Amendment Act, 1878, and the Locomotives Act of 1898, require confirmation by the Local Government Board.

(*b*) *Advice and Enquiry.* Advice is freely given to all local bodies, but the Board cannot ensure its advice being acted upon. It can by means of its inspectors hold enquiries into outbreaks of diseases. The Board makes a report to Parliament on every private bill relating to local matters within its jurisdiction.

(*c*) *Accounts and Returns.* The Board can require accounts and returns on practically any branch of its work from any local body.

(*d*) *Administrative Control.* The extent of administrative control over the different local bodies varies with the constitution of the body. But speaking generally the Board can by orders compel most local bodies to carry out their functions. Over poor-law unions the control is complete. Unions can be created, dissolved, and amalgamated. Appointment of officers of a union, with the exception of some minor officers, requires the Board's sanction, and Inspectors of the Board attend and speak at meetings of guardians.

The Board has also direct administrative duties, *e.g.* under the River Pollutions Act, 1876, under the Canal Boats Acts, 1877 and 1884, and various other Acts, including the Motor Car Acts. Important instances are its duties of supplying calf-lymph to vaccinators under the Vaccination Acts, and its duty to see that the provisions of various Adulteration Acts are carried out.

(*e*) *Inspection and Appointment of Officers.* The Board maintains a large staff of inspectors, poor law, medical, and engineering. It can prescribe the qualifications required in Medical officers of health and other officials appointed by local bodies, provided that any part of the official's salary is paid out of a grant from the central government.

VIII. *Local Government—continued.*

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tute, to whom certain specific duties are entrusted, *e.g.* he has to approve by-laws for the regulation of traffic and certain other purposes, he has powers in regard to poor relief, is an ex-officio member of the police-committee and decides on the boundaries of special districts (see below). He can divide burghs and parishes into wards.

Methods of control are generally speaking the same as in England. In the matter of auditing accounts there is a slight difference. Parish Council accounts are audited by the Local Government Board and County Council Accounts by the Scottish Office. School Board Accounts are audited by the Accountant for Scotland who reports to the Scotch Education Department. The accounts of the burghs under special Acts and district lunacy boards are not audited by any central department.

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The methods of control are practically identical with those described in England. The accounts of all local bodies are audited by the Local Government Board.

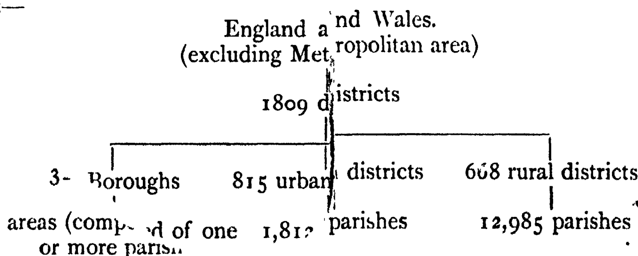
VIII. *Local Government—continued.*

ENGLAND AND WALES.

(*f*) *Financial Control.* The sanction of the Board is required in almost all cases of loans by local bodies unless authorised by special Acts of Parliament. The Board maintains a staff of auditors who audit the accounts of all local bodies except Borough Councils, and can disallow any item not authorised by law, subject to an appeal by persons surcharged to the Board or to the High Court. The Board has also some powers of control over the Treasury allotment in aid of local taxation, which totalled nearly thirteen millions in 1902–3, but the apportionment is usually fixed by Parliament.

Local Bodies.

A certain measure of symmetry has been given to local Government by the Acts of 1888 and 1894, but the system is still very complicated. The general plan is:—



Unions are combinations of parishes, not necessarily all in one district, for poor law purposes.

The Parish.—The whole of England and Wales is divided into 14,797 parishes. Of these, 12,985 are rural, and 1,812 are urban. Every rural parish had a parish meeting, and everyone with a population of over 300 has a Parish Council. Those with a smaller population have a Parish Meeting only, but a Parish Council can be established for one or more such smaller parishes by the County Council with the consent of the Parish Meetings concerned. Occasionally a rural parish is co-extensive with a rural district, and then the District Council has the powers of a Parish Council. Urban parishes generally have vestries which exercise some control in civil matters. The *Parish Meeting* is an assembly of all parochial electors either on the local government or parliamentary register and including women. It has to meet at least twice a year if there is no Parish Council and once if there is a Parish Council, at 6 p.m. or later. If there is no Parish Council, the Parish Meeting elects its own chairman annually, and it elects the members of the Parish Council (where one exists) every 3 years. The powers of a Parish Meeting when there is no Parish Council, are:—

(*a*) The adoption of any or all of certain permissive Acts, viz. for lighting and watching the Parish, providing it with baths, washhouses, burial and recreation grounds, and public libraries.

(*b*) A partial control over the disposition of parish property.

(*c*) Can veto the closing or diversion of any highway.

(*d*) Appointment of overseers, unpaid officers who can order relief to be given in cases of urgency to the poor. It is their duty to prepare lists of voters for parliamentary and local government elections, and to attend at the revision courts; and to assess and levy the poor-rate on the rateable value of lands, houses and mines, &c., in the parish.

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Local Bodies.	*Local Bodies.*
The Parish. There are three kinds of parishes in Scotland, burghal (urban), landward (rural), and mixed (lying in both town and county). Parishes are as a rule much larger than in England. The Scottish Local Government Act of 1894 set up a Parish Council for every parish. The burghal parish council exists for the management of poor relief only, being thus a purely *ad hoc* body. Practically all other administrative functions in burghs are performed by the town councils.	The parish is not of any administrative importance in Ireland.
Landward parish councils and the landward committees of mixed parish councils are the subordinate local authority, the County Council being the superior authority. The parish council's duties are as follows :—	
(*a*) Poor relief.	
(*b*) Registration of births, deaths and marriages.	

VIII. *Local Government—continued.*

ENGLAND AND WALES.

(*e*) Can appoint committees and levy a rate not exceeding 6d. in the £ for all purposes.
(*f*) Can exercise any of the powers of a Parish Council that may be conferred on it by the County Council.
(*g*) Where a Parish Council exists, the consent of the Parish Meeting is required before the Parish Council can support or oppose draft charity schemes, sell or exchange lands or buildings, incur a rate exceeding 3d. in the £, or raise a loan.

The Parish Council consists of 5 to 15 members, who must be parochial electors, male or female, or persons resident for a year within the parish or within 3 miles of it. The Chairman must have the same qualifications, and may be chosen from within or without the Council. Councillors hold office for 3 years, each elector having one vote. Election is by show of hands, but demand may be made for a poll which is held by ballot. The powers of the Parish Council are those detailed above for the Parish Meeting, and it has also certain wider powers, *e.g.* of borrowing money, which it exercises in subordination to the County Council.

The Union is a group of parishes, though in some cases a single parish, united for poor law purposes. In each union the poor law is administered by a Board of Guardians who also manage the workhouses. Guardians are elected by ballot by parochial electors. In rural districts the same persons are rural district councillors and guardians, but in urban districts the Board of Guardians and Urban District Council are separate bodies, though the urban area elects special representatives on the Board of Guardians. A union may comprise several urban and rural districts. Guardians hold office for 3 years, the number for each parish being fixed by the Order creating the Union and being subject to alteration by the Local Government Board or County Council. A woman may be a Guardian, but all Guardians must be parochial electors for parishes in the Union or have resided in the Union for 12 months before the election. In the case of parishes in a borough, the Guardians must be qualified to be borough councillors. The Board of Guardians elects its own chairman from within or without the Board and may co-opt 2 persons who are qualified to be Guardians.

The Duties of Guardians are to relieve the poor and manage workhouses, and they are under the very close control of the Local Government Board. They order what each parish in the Union shall contribute to the sum required for these purposes, which is collected as poor-rates by the parish overseers. They may borrow money for permanent new works only, and then only with the consent of the Local Government Board. Guardians also appoint and pay the Registrar of Births and Deaths and have to enforce the Vaccination Acts.

Boroughs. 326 of the larger towns in England and Wales are boroughs, *i.e.* their inhabitants are incorporated by Charter and govern themselves. All boroughs are subject to the Municipal Corporations Act, 1882. The charter fixes the number of councillors a borough is to have and the number and boundaries of wards. Every burgess,* including single women and widows, but not married women, has a vote at any municipal election and any male burgess is eligible for office as Councillor, except clergymen. Councillors are elected for three years and every year one-third retire by rotation but are eligible for re-election. Election is by ballot. Aldermen to the extent of one-third of

* The burgess qualifications are:—(1) Occupancy of same building with residence in or within 7 miles of the Borough for 12 months preceding 15th July; (2) £10 occupation with residence in or within 7 miles of Borough for 6 months preceding 15th July.

VIII. *Local Government—continued.*

SCOTLAND.

(*c*) Primary vaccination.

(*d*) Provision of recreation grounds, baths and libraries.

(*e*) May be made trustee for parochial endowments.

(*f*) Upkeep of footpaths and preservation of rights of way.

(*g*) Levying of poor-rate and other parish rates. The method of assessment is very complicated.

Constitution of Parish Council.—It is elected by all parliamentary electors in the parish, and by peers and women qualified to be Parliamentary electors except for their sex. Each elector has one vote only for the parish. Elections are held every 3 years, and the whole council retires at once, but are eligible for re-election. The chairman is elected annually by the Council. A woman may be a member of a parish council.

Burghs are divided into two classes, royal burghs created by charter, and police burghs, which are purely statutory institutions. Any town of 800 inhabitants or more, can, by the decision of a poll of ratepayers, get itself made a police burgh. Royal burghs are practically independent of and outside the county. Police burghs are within

IRELAND.

County Boroughs are outside the administrative counties, and have Councils of their own. These consist usually of the Mayor (a chairman elected annually by the Council), councillors, and co-opted aldermen. The franchise is the same as for County Councils, but the electors are called burgesses. These Borough

VIII. *Local Government—continued.*

ENGLAND AND WALES.

the number of councillors are elected by the councillors on the 9th November annually. They hold office for six years, half retiring by rotation every three years. The Mayor is elected by the Council from among Councillors or Aldermen, or persons qualified to be Aldermen. He sometimes receives a salary fixed by the Council.

The Borough Council can make by-laws for the good government of the town and for the suppression of nuisances. These must be submitted to the Central authority (Home Office or Local Government Board) and may be disallowed by the Privy Council, though the Privy Council has no control where revised by-laws are confirmed by the Local Government Board. The administrative duties of a Borough Council include the carrying out of works of public utility (*e.g.* water and gas supply) ordered by Acts of Parliament, and it is the sanitary authority under the Public Health Acts. In boroughs of a population of over 10,000 it is the local authority for elementary education, and all borough councils can spend money (but not raise rates) in aid of higher education. If the population is over 50,000 the Borough may be constituted as a County Borough and its Council then has most of the powers of a County Council. A County Borough is excluded practically from all control by the County Council and the Borough Council becomes also the local authority for higher education (see on Education). Besides these the ordinary functions of a Borough Council include:

(*a*) Management of corporate property.
(*b*) Maintenance of police (only in certain boroughs).
(*c*) Regulation of markets and burial grounds.
(*d*) Levying of rates.
(*e*) Raising of loans where necessary.
(*f*) Paving, lighting, cleansing, supply of gas and water (in absence of special Acts).
(*g*) Administration of Small Dwellings Acquisition Act, 1899 (*i.e.* making advances to residents to purchase houses).

In finance Borough Councils are more free than other local bodies from central control. Their loans require the sanction of the central authority but this can be evaded by promoting a private bill in Parliament, but the expense of such promotion must not be paid out of Borough Funds. Except in one or two cases, the Local Government Board does not audit Borough accounts, though such accounts have to be submitted to the Board. The Borough Council appoints its own auditors (*i.e.* two Borough Auditors, one of whom is elected by the Burgesses, the Mayor also appointing one), and indeed all its own officers (including coroners, if the population of the borough is over 10,000).

County Districts. England and Wales (excluding the Metropolis) is divided into 1,809 districts. 326 of these are boroughs (see preceding section). Of the rest 815 are urban and 668 rural districts. All are subdivided into parishes, but only rural parishes have parish councils or meetings.

County districts grew out of the old sanitary districts rearranged so as to bring each district into the same county. For every district there is either an Urban or a Rural District Council. The chief difference between an Urban and a Rural Council is that members of the latter are also Guardians (see under *Union*), whereas in Urban districts, the Board of Guardians is quite a separate body for which the Urban districts elect representatives.

VIII. *Local Government—continued.*

SCOTLAND.

the County and County rates may be levied in the burghal area. The latter is in this case an electoral division of the county. Six of the largest towns of Scotland have local acts of their own which put them practically in the position of a County Borough in England. All burghs have town councils responsible for licensing, police,* roads, public health, drainage and supply of water, public parks, &c., provision of libraries and baths. The Burgh Council is also the local authority for technical education and receives grants from the Education Department in aid of technical education. It levies rates and in all respects corresponds closely to Borough Council in England.

Elections to Burgh Councils take place once in three years, the franchise being the same as for Parish Councils. One-third of the Council retires every third year. Women cannot be members of a Burgh Council. The Council appoints the Provost, who holds office for three years, from among its own number. The Council also selects certain of its members to act as bailies, who are the licensing and police court magistrates. Burgh Councils work, as in England, mainly through committees, *e.g.* the police committee, finance committee, &c.

* But no burgh of less than 5,000 population can manage its own police. In smaller burghs the county is the police authority.

IRELAND.

Councils have the same powers and duties as the County Council, but they manage all roads, not only main roads. In addition to the six county boroughs, five other boroughs, known as "counties of cities of towns," have town councils under the same Act, the Municipal Corporations Act of 1840, but these councils have only the power of an Urban District Council. In all towns in which there was, before the Irish Local Government Act of 1898, an "urban sanitary authority," the new Act set up an "*Urban District Council.*"

Thus practically every town of any size in Ireland has an urban district council. Even a county borough is an urban district, though not in any administrative county, and its council, though called a Borough Council, has all the powers and duties of an urban district council under the Act, as well as those of a County Council. In other cases the council is known as the town commissioners or township commissioners, but its powers and duties are those of an urban district council, and it is subordinate to the County Council.

Rural district councils correspond to urban district councils and were established by the Act of 1898 for every poor-law union, excluding those parts of each union as are now included in an urban district. Rural district councillors are also, as in England, Guardians for poor law purposes. In urban districts guardians are separately elected.

The method of selection to urban and rural district councils is generally similar, both being on the Local Govern-

VIII. *Local Government—continued.*

ENGLAND AND WALES.

Councillors of District Councils are elected by the parochial electors of every parish in the district by ballot. They are elected for three years, and usually one-third retire each year. Any parochial elector (including married women) is eligible for election, or anyone who has resided in the district for twelve months preceding the election. There is no property qualification. The Councillors elect their own Chairman.

The District Councils' Duties.—(*a*) It is the chief sanitary authority, and has the supervision of all drains, sewers, cesspools, &c.; it can undertake the water supply where none exists; regulates common lodging houses; has to administer Acts relating to housing of working classes, and all Public Health Acts; can prevent offensive trades, construct and maintain hospitals and mortuaries.

(*Note.*—Urban District Councils have rather more extensive sanitary powers than Rural Councils, *e.g.* in lighting, paving, public baths, recreation grounds, but the Local Government Board can confer all or any of these powers on a Rural District Council.)

To carry out these sanitary duties the District Council appoints a medical officer of health and an inspector of nuisances.

(*b*) Highway powers. The District Council has supreme authority over all roads except main road and county bridges, which are under the County Council. Even these are sometimes under Urban District Councils.

(*c*) Lighting. The supply of gas, where none exists, both for streets and houses, can be undertaken by District Councils.

(*d*) Allotments and commons. A District Council can acquire land for allotments, and has to maintain commons.

(*e*) A District Council can make by-laws on certain subjects, imposing penalties, which require the approval of the Local Government Board.

(*f*) Miscellaneous duties. Licensing of pawnbrokers, game-dealers, &c., control of fairs, administration of Acts relating to, petroleum and (inside London), infant life protection,* supervision of bake-houses, knackers' yards, &c., &c.

(*g*) Urban District Councils, with a population of over 20,000, are the local authorities for elementary education (see under Education) and can also spend money to aid higher education. Thus the councils of all non-county boroughs and urban districts can raise the produce of a 1d. rate for higher education.

Finances. The sources of income of District Councils are:

(*a*) Treasury subventions paid through the County Council.

(*b*) Payment for private improvements, *e.g.* repair of drains, paving, &c.

(*c*) Fines and penalties for breaches of by-laws.

(*d*) Rents of property, payment of gas and water dues, harbour dues and bridge tolls.

(*e*) General district rate levied on all property assessable to the poor-rate (see under Union) usually paid by the occupier. In the case of rural district councils the expenses are of two kinds, general or special. The former are met out of a common fund raised from the poor rate levied on the whole district. Special expenses are a separate charge on the particular parish or district benefited and are raised by a vote levied in that area.

* Outside London Boards of Guardians are the local authority for infant life protection.

VIII. *Local Government—continued.*

SCOTLAND.	IRELAND.
	ment franchise, but the Act of 1898 did not change the size, constitution, or duration of office of the old corporation or town commissioners. A woman may be a member of either an urban or rural district council.
	Duties and Powers of District Councils. Except in such districts as are not county districts (*i.e.* in County boroughs) the district council is generally subordinate to the County Council, but the subordination is less marked in urban district councils, which can levy rates. Rural district councils can only send estimates of their expenses to the County Council, which levies the rates, including the poor-rate. Both urban and rural district councils have inherited the powers of the old baronial presentment sessions, but urban district councils have also inherited some of the powers of the old Grand Jury (*e.g.* administration of main roads) which in rural districts are exercised by the County Councils, and urban district councils are charged with the levy and collection of the poor-rate and with certain more extensive powers in regard to sanitation and public health than are possessed by rural district councils. As regards the duties of urban district boards in compelling attendance at elementary schools, see Education (Ireland, Elementary).
	Speaking generally the powers and functions of district councils are the same as those of similar bodies in England on which they are modelled.
	The main public health act for Ireland is that of 1875. Public health Acts are distinct from, but generally similar to, the English Acts.

VIII. *Local Government—continued.*

ENGLAND AND WALES.

(*n*) Has all the powers of a corporation, *i.e.* can promote or oppose bills in Parliament and prosecute or defend all necessary legal proceedings.
(*o*) Exercises general supervision over parish and district councils by settling their areas and boundaries, arbitrating in disputes between two councils and doing their work if they neglect it. It can establish parish councils in parishes of less than 300 population, divide large parishes into two or more, and can alter the number of guardians and rural district councillors for each parish.

County Finance. The main heads of revenue are:—
(*a*) Fines for breach of by-laws and statutes.
(*b*) Income from property in rents and royalties.
(*c*) Share of license duties of the county collected by imperial government.
(*d*) Share of the estate duty in the United Kingdom.
(*e*) Share of whiskey-money (for purposes of higher education).
(*f*) The county rate, usually assessed on the basis of the poor-law valuation and collected by the guardians in each parish.

THE METROPOLIS.

The area of the "metropolis" is the administrative county of London, including the City of London. The latter is separate and retains its ancient institutions, viz. the Lord Mayor, Aldermen, and Court of Common Council. The rest of London County is divided into 28 Boroughs, each with a Council of its own, and 30 Boards of Guardians.

The London County Council consists of 118 members and 19 aldermen and a chairman (not necessarily a councillor or alderman). The councillors are elected directly by parochial electors once every three years. The Council has most of the powers of an ordinary County Council and certain other powers, *e.g.*—
(*a*) Extensive powers of raising loans (also shared by some other County Councils).
(*b*) Power of sanctioning loans by the Metropolitan borough councils.
(*c*) All the powers exercised by the late Metropolitan Board of Works.

It is impossible here to detail all the powers of the London County Council, as they are constantly being added to, and the question is complicated by the control exercised by other bodies in the Metropolis, *e.g.* Lord Chamberlain over theatres in a certain area, Board of Works over royal parks, etc., the Thames Conservators and the Lea Conservators.

The finances of the London County Council are on much the same lines as that of large Borough Councils, but it receives a special annual subvention from the Treasury.

Metropolitan Borough Councils took over the powers of the superseded vestries and district boards. They are the chief authority for highways and sanitary administration, removal of nuisances, lighting, cleansing and paving of streets, drains other than main sewers, hoardings, and obstructions. They exercise certain powers under the London Building Act, 1894, and the Metropolis Water Act, 1871, concurrently with the County Council. The Local Government Board can by Provisional Order transfer any function from the London County Council to a Borough Council. with the consent of both Borough Councils levy a general borough rate.

Metropolitan Boroughs are under the financial control of the Local Government Board which audits their accounts. Loans by a Borough Council require the sanction usually of the London County Council, but sometimes of the Local Government Board.

VIII. *Local Government—continued.*

SCOTLAND.	IRELAND.
Schoolboards are *ad hoc* bodies which act as the local authorities for elementary education. The local area is usually the burgh, or rural parish, but there is considerable confusion of boundaries, between school board districts and other local government divisions. For constitution and powers of school boards *vide* elementary education (Scotland). *Note.*—It should be observed that under the Private Legislation Procedure (Scotland) Act, 1899 (62 and 63 Vict. c. 47), Scotland occupies a different position from the rest of the United Kingdom with regard to the promotion of private bills. Parties in Scotland desiring powers which in England or Ireland would require a private Act, apply directly to the Secretary for Scotland for a Provisional Order. The order may be refused if the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons, report that procedure should be by private bill. If no such report is made, a detailed inquiry, if necessary, is held in Scotland before a Commission partly Parliamentary and partly extra-Parliamentary. It is in the power of the Commission to decide whether or not the Provisional Order should be made by the Secretary for Scotland. Orders made under the Act require confirmation by Parliament, but the procedure is much shorter than that adopted for ordinary Provisional Order Bills, and in most cases is purely formal. Except in very rare cases the Committee stage is dispensed with, and even in those rare cases there is only one inquiry before a Joint Committee of both Houses. This abbreviated procedure is not applicable to Bills for confirming Scottish Provisional Orders made under Acts passed before the passing of the Private Legislation Procedure (Scotland) Act.	

NOTE ON THE POSSIBILITY OF MAKING A COMPARISON OF THE PRIVATE LAW OF ENGLAND, SCOTLAND, AND IRELAND, WITH A VIEW TO CONSIDERING THE ADVANTAGES AND DISADVANTAGES OF A DEVOLUTION OF LEGISLATIVE POWERS.

THE law of the United Kingdom may be divided roughly into *public* and *private* law, the former dealing with the constitution, government, and defence of the kingdom, and the latter with the rights, property, and mutual relations of private citizens. The comparison of the differences in the former branch of law in the various parts of the country is being dealt with separately and can be omitted here.

Both public and private law are again divided into statute and common law, or written and unwritten law, according as the authoritative exposition of the law is or is not to be found in an Act of Parliament. This division, however, is not of much practical importance for the present inquiry, for there are few branches of the common law which have not been more or less modified by statutory enactment, and on the other hand even where some branch of the law has been embodied in one or more Acts of Parliament it cannot be properly understood without a consideration of the reported decisions of the courts on cases which have arisen under the statute, which decisions are considered binding on all courts of equal authority. Moreover, except in the case of a few codifying Acts, our statutes generally presuppose the

existence of a body of common law on the subject with which they deal.

In England and Ireland the unwritten law is further divided into common law and equity, a merely historical division due to the existence of two sets of courts which applied different principles to the same circumstances. This division has now been abolished by the Judicature Act of 1874.

The sources of the statute law in England, Scotland, and Ireland are now the same, for since the Acts of Union of 1706 and 1800 the three countries are one kingdom with one parliament. Acts of that Parliament apply to the whole of the United Kingdom unless otherwise expressly provided, but some statutes passed before the Union are still in force only in the countries to which they apply.

The sources of the common law are different in England and Scotland. In Scotland that law is based on the principles of the Roman Civil and Canon law as applied and modified by a long series of statutes of the Scots Parliament and decisions of the Scottish courts. The sources of the English law, on the other hand, have been stated to be "as undiscoverable as those of the Nile." In Ireland, which came at a much earlier date under the jurisdiction of the Parliament at London, the common law is the same as in England.

A settlement of the law dealing with the rights and relations of private citizens being one of the first essentials of a civilised community it was natural that the foundations of this settlement should have been laid at an early period of the history both of England and Scotland, and as the two countries were then different kingdoms it was natural that the foundations should be laid on different lines, and the result of this is that, the two structures being essentially different, the growth and alteration of each must continue to be carried on in different manners. No doubt at the present day the resemblances between English and Scottish law are much greater than their differences, but this similar

result has been arrived at by quite different processes, and even now there are considerable divergences. To take a few instances—dividing private law under its main heads of

> *Status.* The freehold franchise in England is 40*s.* in Scotland £5, and in Ireland £10 per annum. The formation, effect, and dissolution of the marriage tie are different in England and Scotland. In England marriage must take place in a licensed building and before a person authorised by law; in Scotland in some cases it is complete by consent and cohabitation.
>
> *Inheritance.* In England a man need leave nothing to his wife or children by will: in Scotland they are entitled to a certain share of his estate.
>
> *Property.* In Scotland land can only be transferred by registration: in England transfer is effected by deed.
>
> *Contract.* In England the property in goods sold may pass to the buyer by the contract itself: in Scotland it does not pass till delivery.
>
> *Criminal Law.* In Scotland a man may be condemned by the verdict of the majority of a jury, which may also find a verdict of Not proven. In England both are impossible.

These are only instances. A detailed comparison of the differences between the private law of England and Scotland would involve a survey of the whole domain of jurisprudence and would be the work of a lifetime. For instance, in a recent work called *Comparative Principles of the Law of England and Scotland*, Mr. Brodie-Innes divides his subject into six heads, the first of which, "Courts and Procedure," occupies the whole of the first (and so far the only) volume of over 800 pages. In his preface he truly remarks that "the bulk of the differences could only be explained by reference to the differences of the modes of enforcing the rights in question; and these again in great

measure depend on the history of the courts. In fact, to compare land rights satisfactorily it would be necessary to write more than half of what is now contained in the present book."

The question of the practical effect of the differences in law between England and Scotland has received consideration from a Royal Commission which was appointed in 1853, to report "whether it is expedient that any and what alterations shall be made in the mercantile laws of the United Kingdom in those respects in which the laws of Scotland differ from those of England and Ireland in order to their being assimilated." In their second report, dated 1855, the Commissioners say "that any material change in an established system of mercantile law must be attended with some inconvenience, and, therefore, that assimilation merely for the sake of assimilation is not to be recommended, but ought to be resorted to only where it would remove some inconvenience that had been actually experienced or might reasonably be anticipated from the present state of the mercantile law in the different parts of the United Kingdom, or effect some clear and safe improvement in the law of each," and they add that in the answers to their questions there was a "remarkable paucity of statements as to inconveniences actually experienced: and in dealing with many instances of differences we have recommended assimilation not because evils had been traced to the existing state of the law, but because we think it probable that inconveniences may hereafter arise." They then proceed to consider the existing differences and make certain recommendations on conservative lines in respect of the following matters:—sale of goods; debtor and creditor: principal and surety; bills and notes; bailment or diligence prestable; shipping; partnership and the limitation of prescription of actions. They did not deal with bankruptcy, as that was under consideration by a separate commission.

The immediate effect of this report was two statutes

called the Mercantile Law Amendment Act, 1856 (19 & 20 Vict. c. 97), dealing with England and Ireland, and the Mercantile Law Amendment Act (Scotland), 1856 (19 & 20 Vict. c. 60). These statutes, after preambles reciting that "inconvenience is felt by persons engaged in trade by reason of the laws of Scotland being in some particulars different from those of England and Ireland (or *vice versa*) in matters of common occurrence in the course of such trade, and that with a view to remedy such inconvenience, it is expedient to amend the law of Scotland (or of England and Ireland) as hereinafter mentioned," proceed to make certain alterations on the lines indicated by the commissioners, particularly with regard to the sale of goods, guarantees, bills, shipping, and the limitation of actions.

This process has been gradually continued especially in certain acts which certify the common law, such as the Sale of Goods Act, 1893, and the Bills of Exchange Act, 1882, but a large number of differences, especially of procedure, affecting matters of great importance and common occurrence, still remain. Deliberate alterations of the law being made by the same Parliament for all parts of the United Kingdom tend on the whole, though not invariably, to develop on the same lines, but the laws of the different parts, both statutory and unwritten, are still interpreted by different and independent courts, for, though the ultimate court of appeal is the same (viz.: the House of Lords), the decisions of the inferior courts are not binding on each other.

Even where statutes apply to all parts of the kingdom a difficulty has arisen owing to the difference in legal language in the different countries, from which it results that the same expression may mean different things in England and Scotland. The matter has been considered by the House of Lords, and the rule laid down is stated as follows by Lord Macnaghten in *Commissioners of Income Tax* v. *Pemsel* (1891 Appeal cases, pp. 578–580) "Where there are two countries with different systems of jurisprudence

under one legislature, the expressions in statutes applying to both are almost always taken from the language or style of one, and do not harmonise equally with the genius or terms of both systems of law . . . . you must take the meaning of legal expressions from the law of the country to which they properly belong, and in any case arising in the sister country you must apply the statute in an analogous or corresponding sense, so as to make the operation and effect of the statute the same in both countries." This case arose out of a supposed difference in the legal meaning of the expression "charitable purposes" in England and Scotland.

On the practical question whether it is desirable that there should be one or more legislatures making laws for England, Scotland, and Ireland, it may be said that while, as the Mercantile Law Commissioners pointed out, assimilation merely for the sake of assimilation would cause more inconvenience than it would remove, the establishment of separate legislatures would tend to accentuate and increase differences which are certainly inconvenient, and which the existence of a single legislature tends to diminish gradually and as occasion serves. If that is so, then the domain of law which deals with the status and rights of private persons is so wide that, if that were excluded from the scope of any subordinate legislatures that might be established, their establishment would serve little good purpose.

To see how the system of having a single legislature making laws for countries which differ as England, Scotland, and Ireland, do in their institutions and jurisprudence, the following analysis of one volume of public general statutes, taken at random, viz. 1907, may be useful :

STATUTES OF 1907, 7 EDWARD VII.

Chapter 3. *Irish Tobacco Act*, applies only to Ireland.

Chapter 9. *Territorial and Reserve Forces Act*, sec. 40, makes certain technical modifications in the application of the Act to Scotland and the Isle of Man.

Chapter 14. *Released Persons (Poor Law Relief) Act* by sec. 4 applies only to England and Wales.

Chapter 15. *Salmon and Freshwater Fisheries Act* by sec. 8 does not apply to Scotland (except the Esk) or to the River Tweed.

Chapter 17. *Probation of Offenders Act* by sec. 8 applies to Scotland with certain technical modifications and by sec. 9 to Ireland, with the substitution of the Lord Lieutenant for the Sec. of State.

Chapter 18. *Married Women's Property Act* does not apply to Scotland.

Chapter 19. *Prisons (Ireland) Act* applies only to Ireland.

Chapter 22. *Petty Sessions Clerk (Ireland) Amendment Act* applies only to Ireland.

Chapter 23. *Criminal Appeal Act* does not apply to Scotland or Ireland.

Chapter 24. *Limited Partnerships Act* by sec. 16 certain fees are different in Scotland.

Chapter 26. *Isle of Man (customs) Act* applies only to the Isle of Man.

Chapter 27. *Advertisements Regulation Act* by secs. 6 and 9 applies with certain technical modifications to Scotland and Ireland.

Chapter 28. *Patents and Designs Amendment Act* by sec. 50 applies with verbal alterations to Scotland.

Chapter 29. *Patents and Designs Act.* Secs. 94, 95, and 96 modify slightly the application to Scotland, Ireland, and the Isle of Man.

Chapter 30. *Public Health (Scotland) Amendment Act* applies only to Scotland.

Chapter 32. *Public Health (Regulations as to Food) Act*, other Acts referred to are different for Scotland.

Chapter 33. *Qualification of Women (County and Borough Councils) Act* does not apply to Scotland or Ireland, but see C. 48.

Chapter 38. *Irish Land Act* applies only to Ireland.

Chapter 40. *Notification of Births Act* sec. 4 makes verbal alterations in application to Scotland.

Chapter 41. *Whale Fisheries (Scotland) Act* applies only to Scotland.

Chapter 42. *Sea Fisheries (Scotland) Application of Penalties Act* applies only to Scotland.

Chapter 43. *Education (Administrative Provisions) Act* applies only to England and Wales, though not so stated.

Chapter 44. *Supreme Court of Judicature (Ireland) Act* applies only to Ireland.

Chapter 45. *Lights on Vehicles Act* does not apply to Scotland, and is modified in application to Ireland.

Chapter 46. *Employers' Liability Insurance Companies Act.* Verbal alteration in application to Scotland.

Chapter 48. *Qualification of Women (County and Town Councils) (Scotland) Act* applies only to Scotland.

Chapter 49. *Vaccination (Scotland) Act* applies only to Scotland.

Chapter 50. *Companies Act* special sections (20 and 36) dealing with Scotland only.

Chapter 51. *Sheriff Courts (Scotland) Act*, applies only to Scotland.

Chapter 53. *Public Health Acts Amendment Act* does not apply to Scotland and by sec. 14 is verbally modified in application to Ireland.

Chapter 54. *Small Holdings and Allotments Act* does not apply to Scotland or Ireland.

Chapter 55. *London Cab and Stage Carriage Act* does not apply to Scotland or Ireland.

Chapter 56. *Evicted Tenants (Ireland) Act* applies only to Ireland.

Of these thirty-three statutes a large number apply to England, Scotland, and Ireland alike, the modifications being merely verbal. Of the remaining twenty-three statutes passed in 1907, four deal with Colonial matters, one with

India, five are financial, one is the Annual Army Act, one the Expiring Laws Continuance Act, and the remaining eleven apply to England Scotland and Ireland alike without even verbal alteration.

NOTE ON THE CONSTITUTION OF THE ISLE OF MAN.

The constitution of the Isle of Man is in the main based on the ancient Norse polity, which persisted through the rule of the Earls of Derby and the Dukes of Atholl, and was still in existence when the Crown in 1827 acquired the sovereignty of the Island by purchase. The financial position is regulated by the Isle of Man Customs, Harbours and Public Purposes Act, 1866 (29 & 30 Vict. cap. 23).

Legislature.

Two Houses :—

(*a*) Legislative Council, consisting of the Lieutenant-Governor, the Clerk of the Rolls, the two Deemsters, the Attorney-General, the Receiver-General, the Bishop, the Archdeacon and the Vicar-General.

(*b*) The House of Keys, consisting of twenty-four Members elected on a popular franchise.

Every Bill which has passed both Houses sitting separately is submitted to the Court of Tynwald, *i.e.*, both Houses sitting together under the presidency of the Lieutenant-Governor. The Court may reject Bills but cannot amend them. The two Houses vote separately in the Court of Tynwald, and any Bill which is not sanctioned by a legal quorum of the Council and by an absolute majority of the House of Keys is held to be rejected.

The Lieutenant-Governor may refuse his assent to a Bill. Otherwise he submits it to the Home Office to receive the Royal Assent.

No Act can take effect until it has been proclaimed at the Annual Tynwald Court held in the open air on Tynwald Hill.

Administration.

The supreme executive power is vested in the Lieutenant-Governor, who is appointed by the Crown and holds office during pleasure. In addition to his duties as representative of the Crown, he acts as his own ministry.

Certain services such as Roads, Education, and Lunatic Asylums are under the control of Boards appointed by the Court of Tynwald.

The Post Office is under the control of the Imperial Government.

The Police are under the direct control of the Lieutenant-Governor.

Finance.

All the revenue—with the exception of small sums derived from fines, fees and harbour dues—is raised by Customs duties imposed by the Imperial Parliament and collected by Imperial officers. The tariff may be varied by a resolution of Tynwald approved of by the Treasury, but such a resolution ceases to be operative if not confirmed by the Imperial Parliament either within six months or during the current session.

Certain charges, *e.g.* the cost of Government and a payment of £10,000 annually to the Imperial Government, are met directly by the Imperial Commissioners of Customs. The balance may, with the approval of the Treasury, be devoted to such local purposes as Tynwald may suggest, subject always to the veto of the Lieutenant-Governor.

Tynwald has also claimed the right to dispose of a realised surplus of revenue over expenditure.

Judicature.

There are three judges—the Clerk of the Rolls and two Deemsters. The Clerk of Rolls usually acts in Equity cases and the two Deemsters in common law cases.

The Court of General Gaol Delivery consists of the three judges under the presidency of the Lieutenant-Governor.

The Staff of Government Court hears appeals from the decisions of any one of the judges and consists of the Lieutenant-Governor and the two remaining judges. A final appeal lies to the Judicial Committee of the Privy Council.

Courts of Summary Jurisdiction.—There are thirty-eight justices of the peace who sit in Petty Sessions at the four chief towns of the island. The four High Bailiffs (Stipendiary Magistrates) have a criminal jurisdiction slightly more extended than that of the justices of the peace, and also civil jurisdiction in cases of small debts.

The High Bailiffs act as Chairmen of Licensing Committees.

PART II

CLASSIFICATION OF BRITISH DOMINIONS BEYOND THE BRITISH SEAS

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PART II

(For list and paging directions, see pp. 59-60).

CLASSIFICATION OF BRITISH DOMINIONS BEYOND THE BRITISH SEAS

I. *Self-Governing Dominions* :

(1) The Australian Commonwealth and its six component States, viz. :—

New South Wales,
Queensland,
South Australia,
Tasmania,
Victoria,
Western Australia.

(NOTE :—Papua is a dependency of the Australian Commonwealth.)

(2) The Dominion of Canada.
(2) Newfoundland.
(4) New Zealand.
(5) The Union of South Africa.

The common features of all self-governing Colonies, in their relations to the Mother Country, are :—

(*a*) The Crown appoints the Governor.

(*b*) The Secretary of State for the Colonies has no control over any public officer except the Governor.

(*c*) In all matters affecting the internal affairs of the country the Governor acts on the advice of ministers responsible to the legislature.

(*d*) The legislature of the colony has supreme powers within certain defined limits. These limits are, firstly, that its Acts can only apply within the territories of the colony, and, secondly, that

they must not be "repugnant to the laws of England," *i.e.*, they must not conflict with an Act of the Imperial Parliament intended to bind the colony. It should be remembered that in theory there is nothing to prevent the Parliament of the United Kingdom legislating for the internal affairs of a self-governing colony or even imposing taxation on such a colony.

(*e*) All legislation by the Legislature of a self-governing colony requires the assent of the Governor as the representative of the Crown. This consent he may either give or refuse to give at once, or he may reserve the Bill for the signification of the Royal pleasure.

(*f*) Certain classes of laws are required by the constitution of the self-governing colonies to be reserved for the signification of the Royal pleasure, *i.e.*, the Governor must not assent to them unless he shall have previously obtained His Majesty's instructions upon them through the Secretary of State, or unless the laws themselves contain a clause suspending their operations until the signification in the colony of the Royal pleasure upon them.

Examples of such laws are : —

(1) for divorce,

(2) making any grant of land or money or other donation or gratuity to the Governor himself,

(3) affecting the currency of the Colony,

(4) imposing differential duties,

(5) containing provisions which may appear inconsistent with Imperial Treaty obligations,

(6) interfering with the discipline or control of the Imperial naval or military forces of the Colony,

(7) of any extraordinary importance which may prejudice the King's prerogative or the rights and property of his subjects, or the trade and shipping of the United Kingdom and its dependencies,

(8) imposing on persons of non-European descent any disabilities not imposed on persons of European descent,

(9) containing provisions to which the Royal assent has once been refused or which have been disallowed.

(*g*) The Crown has reserved the power of disallowing legislation. This power can be exercised within one year (or in the case of certain Dominions two years) of the law in question reaching the Home Government, even if the Governor has assented to it.

(*h*) In theory an appeal lies from the decision of any Colonial Court to the King in Council. In practice this right of appeal has been considerably restricted by statute.

II. *Crown Colonies not possessing responsible government, in which the administration is carried on by officers under the control of the Secretary of State, and Protectorates similarly controlled.*

These may be sub-divided into :—

A. Colonies possessing an elected House of Assembly and a nominated Legislative Council :—

Bahamas (p. 110),
Barbados (p. 110),
Bermuda (p. 112).

B. Colonies possessing a partly Legislative Council :—

British Guiana (p. 112),
Cyprus (p. 116),
Fiji (p. 118),
Jamaica (the Caymans and Turks and Caicos Islands are dependencies of Jamaica) (p. 124).
Leeward Islands (p. 126),
Malta (p. 130),
Mauritius (p. 132).

(Note :—In all of these, except British Guiana and Cyprus, the constitution provides for an official majority.)

C. Colonies and Protectorates possessing a Legislative Council nominated by the Crown :—

British Honduras (p. 114),
Ceylon (p. 116),
East Africa Protectorate (p. 116),

Falkland Islands (p. 118),
Gambia (Colony and Protectorate) (p. 120),
Gold Coast (p. 122),
Grenada (Windward Islands) (p. 152),
Hong Kong (p. 122),
Nyasaland Protectorate (p. 134),
St. Lucia (Windward Islands) (p. 154),
St. Vincent („ „) (p. 154),
Seychelles (p. 136),
Sierra Leone (Colony and Protectorate) (p. 136),
Southern Nigeria („ „ „) p. 142),
Straits Settlement * (p. 142),
Trinidad and Tobago (p. 146).

(Note :—In all the above, except British Honduras, the Constitution provides for an official majority.)

D. Colonies and Protectorates without a Legislative Council :—

Ashanti (*Vide* Gold Coast) (p. 122),
Basutoland (*Vide* "South African High Commission") (p. 138),
Bechuanaland Protectorate (*Vide* "South African High Commission") (p. 138),
Gibraltar (p. 120),
Northern Nigeria (p. 134),
Northern Territories of Gold Coast (*Vide* "Gold Coast") (p. 122),
St. Helena (p. 134),
Somaliland (p. 136),
Swaziland (*Vide* "South African High Commission") (p. 138),
Uganda (p. 148),
Weihaiwei (p. 148),
Islands under the Western Pacific High Commission (p. 150).

* The protected Malay States, federated and unfederated, and Brunei are under the administrative care of the Governor of the Straits Settlements.

III. *Dependencies indirectly controlled by the Secretary of State for the Colonies:—*

Southern Rhodesia, North Eastern Rhodesia, North Western Rhodesia, (Barotseland),	for form of administration see under "South African High Commission" (p. 140).
State of North Borneo, Sarawak,	see "Territories not directly administered by the Secretary of State" (p. 156).

(NOTE:—The form of administration in all territories mentioned down to this point is described in the following statements.)

IV. *The Territories not administered by the Secretary of State for the Colonies:—*

(1) India, including Aden and its dependencies Socotra and Perim, under the India Office.

(2) Egypt, under the Foreign Office.

(3) Ascension Island, technically a man of war, under the Admiralty.

(4) The Channel Islands, under the Home Office.

(5) Zanzibar.—Part of the Sultan's Dominions are under British protection. The Sultan is the titular head of the Government, but is assisted by a number of British Officers under the control of His Majesty's Agent and Consul-General, who is subordinate to the Secretary of State for Foreign Affairs. The Consul-General is entitled to inspect the Government accounts at any time, and no new undertakings or fresh expenditure can be incurred without his consent.

(6) Tristan da Cunha, an island in the South Atlantic, in which there are no laws or regular form of Government. The people are under the moral rule of the oldest inhabitant.

(7) A number of small islands and rocks, which are British territory or under British protection, but are not included in any Colony or separate Protectorate. They are chiefly uninhabited, except where lighthouses have been erected. Many are leased for guano or copra collection or for cocoanut plantations, and the rents so received are paid into the Exchequer.

(A) FORM OF GOVERNMENT OF THE SELF-GOVERNING DOMINIONS

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Commonwealth of Australia.	A Federation of self-governing colonies.	Governor-General in Council (as representing the King) and ministers appointed by the Governor-General, who are responsible to Parliament. They administer customs and excise, posts, naval and military affairs, defence, lighthouses, &c., and quarantine. The ministry now consists of: (1) Prime Minister. (2) Minister of Defence. (3) Treasurer. (4) Minister of Trades and Customs. (5) Minister of External Affairs. (6) Attorney-General. (7) Postmaster-General. (8) Minister of Home Affairs. (9) Vice-President of Executive Council. (10) An Honorary Minister.	The Senate (Upper House) consists of 6 members elected from each State for 6 years. The House of Representatives (Lower House) consists of not less than 5 members for each State, but the number varies in proportion to population. It sits for 3 years, but may be dissolved sooner. The franchise is the same for both houses and is based on universal adult suffrage. Money Bills cannot originate in or be amended by the Senate. Tacking Bills are not allowed. Provision is made for a deadlock between the two houses by joint dissolution, followed, if necessary, by joint sittings in which the bill, if passed by an absolute majority of the total numbers of both houses, becomes law. Members of both houses are paid £600 per annum.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
The legislative Powers of the Commonwealth Parliament are limited to the matters expressly specified in Secs. 51 and 52 of the Commonwealth Act, the principal being:—trade, taxation (but not so as to discriminate between States or different parts of States), bounties, exports, borrowing, postal services, naval and military, census and statistics, currency, banking, insolvency, external affairs, corporations, divorce, marriage, old age pensions, immigration and emigration, railways, the seat of government. The Constitution can only be altered by an absolute majority in each House, approved by a majority of the electors voting in a majority of States, and also by a majority of all electors. Any provision altering or affecting the constitution of the Commonwealth or the representation in the Commonwealth of any State cannot become law without the approval of a majority of the electors of the States or State concerned. If the law of a State is inconsistent with the law of the Commonwealth, the latter is to prevail. The Commonwealth is not allowed to legislate in respect of religion (Sec. 116 of the Act).	Governor-General appointed by the Crown. He has to be kept informed of correspondence between Governors of the States and the Secretary for the Colonies. The Governor-General's assent is required to all legislation and he can either grant it or withhold it or reserve the bill for the Royal pleasure. *The Governor-General (not in Council)* fixes the time for holding sessions of Parliament, prorogues Parliament or dissolves the House of Representatives. He notifies to the Governor of the State concerned a vacancy in the Senate; recommends to Parliament the appropriation of revenue or money; dissolves the two Houses in case of a deadlock and summons them to a joint sitting; chooses, summons and dismisses the members of the executive council; appoints and dismisses officers to administer departments of State; is Commander-in-Chief of Naval and Military Forces, and generally exercises all functions formerly exercised by the Governor of the Colony and transferred to the Executive Government of the Commonwealth. *The Governor-General in Council* issues writs for general elections and by-elections to the House of Representatives; establishes departments of State: appoints and removes (on addresses from both Houses) all officers except Ministers of State; appoints Justices of the High Court or other Federal Courts; draws and expends money from the Federal Treasury until the first meeting of Parliament; appoints the members of the inter-State Commission (to regulate trade and commerce and settle disputes on such matters between States) and removes them on addresses from both Houses; generally exercises all the powers formerly exercised by a Governor with the advice of the Executive Council.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Commonwealth of Australia (*cont.*).	——	——	——
New South Wales.	Self-governing colony, a constituent part of Commonwealth of Australia.	Governor and Executive Council appointed by him and responsible to the legislature. At present the Executive Council consists of a Vice-President and the following ministers:— (1) Premier, who is also Attorney-General and Minister of Justice. (2) Colonial Secretary, who is also Registrar of Records and Minister for Mines. (3) Colonial Treasurer, who is also Collector of Internal Customs and Minister for Railways. (4) Secretary for Lands. (5) Secretary for Public Works. (6) Minister of Public Instruction, Labour and Industry. (7) Minister of Agriculture. (8) A member of the Council without portfolio. All of these are members of the Legislative Assembly. The Vice-President is a member of the Legislative Council.	Legislative Council of not less than 21 members appointed for life by the Crown. Not less than $\frac{4}{5}$ must be persons holding office under the Crown. At present the Council consists of 57 members, who are not paid. The Legislative Assembly consists of 90 members elected on a practically universal adult suffrage. (Women have the franchise.) Members are paid £300 per annum. Parliament lasts for 3 years unless previously dissolved. Money Bills must originate in the Lower House.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
——	His salary is £10,000 per annum until Parliament otherwise provides, and cannot be altered during his term of office.
The State Executive administers all departments except those specially reserved for the Commonwealth Executive. As regards the Legislature, of the 39 matters specified in Sec. 51 of the Commonwealth Act as within the legislative competency of the Commonwealth Parliament, 13 are new and are applicable only to the Commonwealth. Three subjects are reserved exclusively for the Commonwealth Parliament, viz.:—Bounties (except aids on mining for metals), naval and military defence, coinage and legal tender. In the remaining 23 matters the State legislatures have concurrent powers (for list see "Framework of Union," p. 134). The chief subjects in which State Legislatures have *sole* powers are:—Agriculture, banking within the limits of the State, borrowing money on the sole credit of the State, bounties and aids on mining for gold and other metals, charities, amendment and maintenance of the State constitution, corporations other than foreign or financial, State courts, departments of State government, education, factories, fisheries within the State, forests, friendly societies, game preservation, health, inspection of goods to prevent disease or fraud, insurance, intoxicants, management and sale of public lands within the State, licences on liquors and industrial undertakings, mines and mining, local government, officers of the State, police, prisons. A State Legislature has restricted powers of legislating within the limits of the Constitution for the construction and control of railways within the	Governor, appointed by the Crown, corresponds direct with the Secretary of State. He has the same powers of disallowing legislation as are possessed by the Governor-General in respect to Commonwealth legislation. He has the power of pardon for offences against the State laws, or for which the offenders could be tried in State courts. The Governor announces to the Governor-General the name of any new Senator elected for his State. This is the only matter in which the Commonwealth Act lays down the mode of communication between a State and the Commonwealth.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
New South Wales (*cont.*).	—	—	—
Queensland.	Self-governing colony, a constituent part of the Commonwealth of Australia.	Governor and Executive Council appointed by him and responsible to Legislature. It consists of:— (1) Chief Secretary and Vice-President (The Premier). (2) Secretary for Public Instruction. (3) Attorney-General. (4) Secretary for Public Lands. (5) Treasurer. (6) Secretary for Agriculture and Railways. (7) Home Secretary. (8) Secretary for Public Works and Mines. The Attorney-General is a member of the Legislative Council, and the others of the Legislative Assembly.	Legislative Council of 44 members nominated by the Governor for life, and Legislative Assembly of 72 members, elected on male and female adult suffrage for 3 years. The President of the Legislative Council is also Lieutenant-Governor.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
State, rivers, shops, taxation within the State for State purposes, trade and commerce within the State, public works, naval and military forces. The constitutional limitations in respect of such subjects are described in "Framework of Union," p. 135. Generally speaking the consent of the Federal Parliament is required to any State legislation in those matters which could possibly conflict with Commonwealth legislation. The High Court of Australia can declare any Act of the Commonwealth or of a State Legislature to be unconstitutional or *ultra vires*. For New South Wales, Bills altering the constitution of the Legislative Council must be reserved for His Majesty's pleasure.	
As in New South Wales, but Bills altering the Constitution of the Legislative Council require a two-thirds majority and must be reserved for the Royal pleasure.	As in New South Wales.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
South Australia.	Self-governing colony, a constituent part of the Commonwealth of Australia.	Governor and Cabinet of 6 members appointed by him who are members of the Legislature and *ex-officio* members of the Executive Council. These are :— (1) The Premier, also Treasurer and Minister of Education. (2) Chief Secretary and Minister of Industry. (3) Attorney-General. (4) Commissioner of Crown Lands and Immigration and Minister of Agriculture. (5) Commissioner of Public Works and Minister of Northern Territory. (6) An Honorary Minister. The Chief Justice is also Lieutenant-Governor and a member of the Executive Council. He acts as Governor when the Governor is absent from the Colony.	Legislative Council of 18 members elected from 4 electoral districts for 6 years. One-half retire by rotation at the end of every 3 years. House of Assembly of 42 members elected for 3 years, but liable to dissolution by Governor at an earlier date. The franchise is practically universal adult suffrage, but 6 months' residence in the Colony is required. Women enjoy the franchise for both Houses. Members of both Houses are paid £200 per annum.
Tasmania.	Self-governing colony, a constituent part of the Australian Commonwealth.	The Governor and a Cabinet of responsible ministers appointed by him who form the Executive Council. These are :— (1) The Premier and Treasurer. (2) Chief Secretary. (3) Attorney-General and Minister for Education. (4) Minister for Works, Lands, Mines, and Agriculture. The Chief Justice is Lieutenant-Governor, but not a member of the Executive Council.	Legislative Council of 18 members elected for 6 years from 15 electoral districts. An elector must either be freeholder of £10 or leaseholder of £30 annual value, or a University graduate, or qualified legal or medical practitioner, or minister of religion, or an officer of the Army or Navy, or retired officer of Tasmanian volunteers. House of Assembly of 30 members elected from 5 districts for 3 years. Members of the Commonwealth Parliament are disqualified

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
As in New South Wales, but bills altering the Constitution of either House require an absolute majority in each and then must be reserved for the Royal pleasure. If the Council twice rejects a Bill passed by the House of Assembly, a General Election having intervened, the Council can be dissolved or additional members can be called up.	As in New South Wales.
As in New South Wales, but there are no special statutory provisions regarding bills involving a constitutional change.	As in New South Wales

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Tasmania (*cont.*).	——	——	from sitting in either House, and no Minister of the Commonwealth can be a Minister of Tasmania. The franchise for the Lower House is universal adult suffrage (including women) with a 12 months' residential qualification. Members of both houses are paid £100 per annum.
Victoria.	Self-governing colony, a constituent part of the Australian Commonwealth.	The Governor and a Cabinet of responsible ministers appointed by him, who form the Executive Council. These are:— (1) Premier, Chief Secretary and Minister for Labour. (2) Attorney-General and Solicitor-General. (3) Treasurer. (4) Minister of Mines and Forests. (5) Minister of Education and Railways. (6) Minister of Public Works and Health. (7) Minister of Water-supply and Agriculture. (8) Minister of Lands. (9) Two Honorary Ministers. The Chief Justice is Lieutenant-Governor but not a member of the Executive Council.	Legislative Council of 34 members elected from 17 provinces for 6 years, the senior member for every province retiring at the end of 3 years. Members are not paid. Qualifications of an elector are practically identical with those in Tasmania. Assembly of 65 members returned from 65 electoral districts for 3 years, but liable to earlier dissolution by the Governor. The House is elected on practically universal adult suffrage, women enjoying the franchise. Members of the House of Assembly are paid £300 per annum.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
	—
As in New South Wales, but bills altering the constitution of either House or certain official salaries or pensions require an absolute majority of both Houses and must then be reserved for the Royal pleasure. The Legislative Council can be dissolved by the Governor only in case of a deadlock between the two Houses. The Council cannot amend but can reject money bills	As in New South Wales.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Western Australia.	Self-governing colony, a constituent part of the Australian Commonwealth.	The Governor and a Cabinet of responsible ministers appointed by himself, who form the Executive Council. The Governor has power to appoint two non-officials to the Executive Council. The members are at present:— (1) The Premier and Colonial Treasurer. (2) Minister for Works. (3) Minister for Mines and Railways. (4) Minister for Lands and Agriculture. (5) Colonial Secretary. (6) Attorney-General and Minister for Education. (7) A Minister without portfolio There is a non-official Lieutenant-Governor, who is not a member of the Executive Council.	Legislative Council of 30 members, elected for 6 years from 10 provinces. Legislative Assembly of 50 members, elected for 3 years from 50 districts. There is practically universal adult suffrage for both Houses, but 2 years' residence is required. Women can vote.
Papua (formerly called British New Guinea).	A territory (protectorate) of the Australian Commonwealth.	A Lieutenant-Governor and Chief Judicial Officer, appointed by the Governor-General of Australia, and assisted by an Executive Council consisting of:— (1) Administrator, Commissioner for Lands and Agriculture, Mines and Public Works. (2) Government Secretary. (3) Treasurer. (4) Chief Medical Officer. [The Commonwealth contributes about £20,000 per annum towards the revenue of the Territory.]	The same members and officers as the Executive Council, with the addition of 3 non-official members nominated by the Governor-General of Australia. The Council has the power to make Ordinances for the peace, order and good government of the Territory, subject to the restrictions laid down in the Commonwealth Act No. 9 of 1905.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
As in New South Wales. Bills involving a change in the constitution require an absolute majority in both Houses on the second and third readings.	As in New South Wales.
The Commonwealth Parliament provided by the Papua Act of 1905 for the future government of the dependency; this Act defined the powers of the Legislative Council, which is subject to the following restrictions:— (1) No charges can be imposed upon the revenue of Papua except by permission of the Lieutenant-Governor. (2) The Legislative Council cannot impose customs duties on goods from Australia so as to discriminate against the Commonwealth. (3) No Ordinances of any of the following classes can be assented to by the Lieutenant-Governor unless the Ordinance contains a clause suspending its operation until the signification of the Governor-General's pleasure:— 1 Any Ordinance for divorce.	The Governor-General of Australia.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Papua (*cont.*)	—	—	—

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
2 Any Ordinance dealing with the granting or disposal of Crown lands. 3 Any Ordinance whereby any lease or grant of land or money or any donation or gratuity is made to himself. 4 Any Ordinance which appears inconsistent with the Treaty obligations of the United Kingdom or of the Commonwealth. 5 Any Ordinance interfering with the discipline or control of the naval or military forces of the King. 6 Any Ordinance of an extraordinary nature or importance, whereby the King's prerogative, or the rights or property of subjects of the King not residing in the Territory, or the trade or shipping of any part of the King's Dominions may be prejudiced. 7 Any Ordinance relating to the sale or disposition of or dealing with lands by aboriginal natives of the Territory. 8 Any Ordinance relating to native labour or providing for the deportation of aboriginal natives from the Territory or from one part of the Territory to another. 9 Any Ordinance relating to the supply of arms, ammunition, explosives, intoxicants, or opium to the natives. 10 Any Ordinance relating to the introduction or immigration of aboriginal natives of Australia, Asia, Africa, or any island of the Pacific. 11 Any Ordinance containing provisions from which the assent of the Sovereign or of the Governor-General has once been withheld, or which the Sovereign or the Governor-General has disallowed. (4) Any such Ordinances can be disallowed by the Governor-General. (5) The Commonwealth of Australia may at any time legislate for Papua, and such legislation over-rides any Protectorate Law.	—

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Dominion of Canada.	Self-governing Colony.	Governor - General assisted by a Privy Council chosen and summoned by himself. The Cabinet is a Committee of the Privy Council consisting at present of:— (1) The First Minister. (2) Minister of Trade and Commerce. (3) Secretary of State. (4) Minister of Militia and Defence. (5) Minister of Agriculture. (6) Minister of Finance. (7) Minister of Customs. (8) Minister of Justice. (9) Minister of Inland Revenue and Mines. (10) Minister of Railways and Canals. (11) Minister of Marine and Fisheries. (12) Minister of Public Works. (13) Minister of Interior. (14) Minister of Labour. (15) Postmaster-General.	Senate of 87 members nominated for life by Governor-General, 24 each from Ontario and Quebec, and the remainder from other Provinces. There is a property qualification of $4,000 for Senators and they are paid $2,500 per annum. The Speaker is appointed by the Governor-General. House of Commons of 221 members elected for 5 years if not sooner dissolved. The franchise varies in the different Provinces (see below). Members are paid $2,500 per session with deductions for days of non-attendance. Money bills must originate in the Lower House and must be preceded by a recommendation from the Governor-General.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.

Restrictions or reservations in respect of administrative or legislative powers.

The Dominion Parliament has exclusive legislative powers in all matters except those specifically delegated by the Constitution to Provincial Legislatures. The most important matters not so delegated are public finance. trade regulation, postal service, currency, coinage, banking, navigation, defence, law relating to crimes, bankruptcy, copyright, patents, marriage and divorce, naturalisation and native (Indian) affairs.

In agricultural, quarantine, and immigration matters the Dominion and Provincial Legislatures have concurrent legislative powers.

The Dominion Parliament can only amend the Constitution in the following minor matters:—

(1) It can vary the quorum for the Senate.

(2) Regulate electoral machinery.

(3) Vary the franchise.

(4) Vary provisions to meet the case of the Speaker's absence.

(5) Increase the number of members, but only if the proportionate representation of the Provinces is preserved.

(6) Fix judicial salaries.

(7) Establish a General Court of Appeal and additional Courts.

(8) Alter the salary of the Governor-General.

(9) Establish a new Province in any of the territories of the Dominion not included in the existing Province.

For other changes of the Constitution an Imperial Act would be necessary.

Official intermediary between national and Imperial Government.

Governor-General appointed by the Crown. His powers as regards disallowing legislation are the same as those of the Governor-General of Australia. As regards bills passed by Provincial Legislatures the Governor-General is in the same position as the King in Council for self-governing Colonies.

The Governor-General has the right of pardon and reprieve which is to be exercised with the advice of the Privy Council (in capital cases) or at least one Minister (in other cases). But he is not bound to follow such advice.

The Governor-General in Council appoints Lieutenant-Governors and removes them in certain circumstances, appoints officers for the effectual execution of the Constitution, orders the time and form of payments under the Constitution (both these latter powers until the Parliament otherwise provides).

The Governor-General (*not in Council*) chooses and removes members of the Privy Council; summonses qualified persons to be Senators; fills vacancies in the Senate; appoints and removes the Speaker of the Senate; summonses and dissolves the House of Commons; causes writs to be issued for election of Members of House of Commons; recommends to Parliament Appropriation and Taxation Bills; appoints the Judges of the Superior, District and County Courts in each Province, and removes the Judges of the Superior Court on an address from the Dominion Parliament. He may on the authorisation of the Crown appoint any person or persons to be his Deputies in any part of the Dominion and delegate to such person or persons such of his powers as may be defined in the authorisation.

His salary is £10,000 a year paid out of the Consolidated Revenue Fund of

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Dominion of Canada (*cont.*).	—	—	—
Provinces of Canada.	Subordinate Local Governments.	Lieutenant-Governor, appointed by Governor-General in Council for 5 years, assisted by an Executive Council usually composed of the chief provincial officials who possess the confidence of the Provincial Assembly. The salary of the Lieutenant-Governor is fixed and provided by the Dominion Parliament. The numbers of the various Executive Councils at present are: – Ontario .... 11 Quebec .... 9 Nova Scotia .... 9 New Brunswick ... 7 Manitoba .... 16 British Columbia ... 8 Prince Edward Island .... 9 Saskatchewan ...... 4 Alberta 4	*Ontario:* — Legislative Assembly of 106 members elected for 4 years on manhood suffrage. Members are paid mileage and 6 dollars per day for 30 days, with maximum of 1,000 dollars. *Quebec:* — Legislative Council of 24 members nominated by the Lieutenant-Governor in Council for life. Members are paid 6 dollars per day in session. Legislative Assembly of 74 members elected for 4 years on manhood suffrage. Members are paid 6 dollars per day in session. *Nova Scotia:* – Legislative Council of 21 members appointed by the Lieutenant-Governor in Council for life. House of Assembly of 38 members elected for 5 years on manhood suffrage. Members are paid 500 dollars for the session. *New Brunswick:*— Legislative Assembly of 46 members elected for 4 years and 2 months on a liberal franchise. Members are paid 500 dollars per session. *Manitoba:*— Legislative Assembly of 41 members elected for 5 years on man-

Restrictions and reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
——	Canada, unless altered by the Parliament of Canada. [In 1868 Parliament passed a Bill reducing the salary to £6,500, but this was reserved for the Queen's consideration and disallowed.]
The powers of Provincial Legislatures are confined to subjects specified in the constitution, the chief being the alteration of their own constitutions, direct taxation within the province, management of provincial lands (except in Alberta and Saskatchewan, which have surrendered their public lands to the Dominion in return for an annual payment increasing automatically with the growth of population), local works, general civil law and procedure, and education. In agriculture, quarantine, and immigration Provincial Legislatures have concurrent powers with Dominion Parliament. Bills passed by Provincial Legislatures require the assent of the Lieutenant-Governor, and may be disallowed within a year by the Governor-General, or they may be reserved for the Governor-General's pleasure.	Lieutenant-Governor through Governor-General. There is no provision in the Act regarding communications between Provincial and Dominion Executives.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Provinces of Canada (*cont.*).	——	——	hood suffrage. Members are paid 1,000 dollars per session. *British Columbia*:—Legislative Assembly of 42 members elected for 4 years, on manhood suffrage; paid 1,200 dollars per session. *Prince Edward Island*:—Legislative Assembly of 30 members elected for 4 years, and paid 160 dollars per annum, plus travelling and postal expenses. *Saskatchewan*:— Legislative Assembly of 41 members and elected for 4 years. *Alberta*:—Legislative Assembly of 25 members, elected for 4 years.
North West Territories (including Arctic Islands).	Territory of Dominion of Canada not included in any Province.	Commissioner and Council of not more than 4 members, appointed by Governor-General in Council.	The Commissioner in Council is empowered, subject to the provisions of any Act of the Parliament of Canada applying to the Territories, to make Ordinances in relation to such of the classes of the following subjects as are from time to time designated by the Governor-General in Council, viz.:— (*a*) Direct taxation within the Territories in order to raise a revenue for territorial or municipal or local purposes. (*b*) The establishment and tenure of territorial offices and the appointment and payment of territorial officers out of territorial revenues. (*c*) The establishment,

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
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The laws of Canada, unless otherwise specified, apply to the territories subject to the power of the Governor-General in Council. The Governor-General in Council may apply to the Territories Acts which would not otherwise be in force. Any Ordinance whatever may be disallowed by the Governor-General in Council within 2 years.	Governor-General.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
North West Territories (including Arctic Islands) (*cont.*).	—	—	maintenance, and management of prisons in and for the Territories, the expense thereof being payable out of territorial revenues. (*d*) Municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament, of irrigation districts, that is to say, associations of the land owners, and persons interested in the lands, in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands. (*e*) The closing up or varying the direction of any road, or of any trail which has been transferred to the Territories, and the opening and establishing of any new highway instead of any road or trail so closed, and the disposition of the land in any such road or trail. (*f*) Shop, saloon, tavern, auctioneer and other licenses, in order to raise a revenue for territorial or municipal purposes. (*g*) The incorporation of companies with territorial objects, excepting railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies. (*h*) The solemnisation of marriage in the Territories.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
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Territory.	Status and nature of Constitution.	Executive.	Legislature.
North West Territories (including Arctic Islands) (*cont.*).	—	—	(*i*) Property and civil rights in the Territories. (*j*) The administration of justice in the Territories, including the constitution, organisation, and maintenance of territorial courts of civil jurisdiction, and procedure in such courts, but not including the appointment of any judicial officers or the constitution, organisation, and maintenance of courts of criminal jurisdiction, or procedure in criminal matters. (*k*) The mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and all matters relating to the same. (*l*) The defining of the powers, duties, and obligations of sheriffs and clerks of the courts and their respective deputies. (*m*) The conferring on territorial courts of jurisdiction in matters of alimony. (*n*) The imposition of punishment by fine, penalty or imprisonment, for enforcing any territorial Ordinances. (*o*) The expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territories as the Commissioner in Council is authorised to expend.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
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Territory.	Status and nature of Constitution.	Executive.	Legislature.
North West Territories (including Arctic Islands) (*cont.*).	——	——	(*p*) Education, but every Ordinance dealing with this subject must provide that a majority of the rate-payers of any district may establish such school and assess such rates as they think fit, and the minority may establish separate schools and pay rates in respect of them only. (*q*) Generally all matters of a merely local or private nature in the Territories.
Yukon Territory.	Territory of Dominion of Canada not included in any Province.	Administered by a Commissioner under instructions given by Order in Council or by the Dominion Minister of the Interior.	Council of not more than 11 members, 5 of whom are elective and the remainder appointed by the Governor-General under his Privy Seal. The Commissioner in Council can pass Ordinances dealing with any of the subjects specified in the case of the North Western Territories (*supra*), and in addition he can legislate regarding:— (*a*) The election of representative members of the Council, the division of the Territory into electoral districts for this purpose and the imposition of a residential qualification for electors. (*b*) The imposition of taxes for any purpose within the territorial jurisdiction. (*c*) The control of the sale of intoxicating liquors within the Territory subject to the provisions of any ordinance of the Governor-General in

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
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In regard to subjects (*a*), (*b*), (*c*), and (*d*) specified in the last column, the powers of the Commissioner in Council cannot exceed those given to Provincial Legislatures under Section 92 of the British North America Act, 1867. Any Ordinance may be disallowed by the Governor-General in Council within 2 years. The laws of the Dominion Parliament apply to the Yukon, unless otherwise specified in each law, but the Governor-General in Council has power to apply them even if otherwise provided in the law, or if the law is by its terms only applicable to some other Province or is for any other reason inapplicable to the Yukon. The Governor-General in Council can also make Ordinances for the peace, order, and good government of the Yukon, but these only come into force after publication for 4 successive weeks in the *Canadian Gazette*, and remain in force only until the prorogation of the next session of the Dominion Parliament, unless during the session the Ordinance is approved by both Houses of Parliament. Moreover, no such Ordinance can impose a penalty exceeding $500, alter or repeal any	Governor-General.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Yukon Territory (*cont.*).	—	—	Council and notwithstanding anything to the contrary in any Act of Parliament. (*d*) The preservation of game.
New-foundland.	Self-Governing Colony.	The Governor, aided by an Executive Council of Ministers responsible to Parliament, whom he appoints and over whom he presides. The Ministers at present are:— (1) Premier. (2) Colonial Secretary. (3) Minister of Justice. (4) Minister of Agriculture and Mines. (5) Minister of Finance. (6–9) 4 Ministers without portfolios.	Legislative Council of (at present) 17 members nominated for life, and House of Assembly of 36 members elected under manhood suffrage for 4 years. Members of the Council receive 120 dollars per session. Members of the Assembly receive 300 dollars per session, reduced to 200 dollars in the case of those residing at St. John's.
New Zealand.	Self-Governing Dominion.	The Governor, aided by an Executive Council of responsible Ministers whom he appoints. The Ministers at present are:— (1) Prime Minister, Postmaster-General, Minister of Finance, Defence, Telegraphs, Lands, Commissioner of State Forests. (2) Minister for Railways, Marine and Labour. (3) Native Minister and Minister of Stamp Duties. (4) Attorney - General and Minister of Justice. (5) Minister of Educa-	Legislative Council of 45 members appointed by the Governor for 7 years, representing certain provincial districts. House of Representatives of 80 members elected for 3 years practically on adult suffrage. Women enjoy the franchise. There are 4 Maori representatives of Maori electorates in the Lower House. Members of the Legislative Council are paid £200, and of the House of Representatives £300 per annum.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
punishment provided in any Act of the Dominion Parliament for any offence, or appropriate any public land or other property of Canada without authority of Parliament, or impose any customs or excise duty. Any Ordinance of the Commissioner in Council is invalid so far as it is repugnant to an Ordinance of the Governor-General in Council or an Act of the Dominion Parliament.	—
No special statutory conditions regarding bills involving a constitutional change.	Governor and Commander-in-Chief appointed by the Crown.
There are certain provisions in the Constitution Act of 1852 which the New Zealand Parliament cannot alter (*e.g.*, the bicameral form of government and oath of affirmation) and certain others which it can only alter by reserved Bill (*e.g.*, regulation of elections, salary of Governor and provincial councils). Other provisions of the Constitution can be altered by ordinary enactment. Money Bills can only be enacted on the Governor's recommendation to the House of Assembly.	Governor and Commander in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
New Zealand (*cont.*).	——	tion, Immigration and Customs. (6) Minister of Public Works and Mines. (7) Minister of Industries and Commerce, and in charge of Tourist and Health Resorts, and Minister of Agriculture. (8) Minister of Internal Affairs and Public Health. Cabinet Government is not mentioned in the Constitution.	——
The Union of South Africa (from 31st May, 1910).	Self-governing colony, a union of the 4 provinces of Cape Colony, Natal, Transvaal, and Orange River Colony.	Governor-General and Executive Council chosen by him. He is to appoint not more than 10 responsible ministers to administer departments of State who will be members of the Executive Council. After the first general election no minister can hold office unless he is or becomes a member of either House of Parliament. Ministers who are members can sit or speak in either House, but can only vote in that of which they are members. The first Cabinet selected consists of:— (1) Prime Minister and Minister of Agriculture. (2) Minister of Internal Affairs and Defence. (3) Minister of Railways. (4) Minister of Education. (5) Minister of Finance and Mines. (6) Minister of Native Affairs.	*Senate* to consist for 10 years of 8 members nominated by Governor-General in Council and 8 members from each Province elected by the 2 Houses of the Province sitting together. All to hold their seats for 10 years. Vacancies among elected senators to be filled up by the Council of the Province concerned. After 10 years Parliament may provide for the constitution of the Senate, but if it does not do so the foregoing provisions will remain in force, but elections will be by the Provincial Councils and by the members of the House of Assembly for such Province. A property qualification of £500 is necessary in the case of elected senators. *House of Assembly* to consist, till its constitution is altered by Parliament, of 121 members elected as follows:—15 from the Cape, 36 from

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
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The powers of the Union Government are supreme except in matters specially reserved by the Act of Union to Provincial Governments (see below).

Parliament can alter any provision in the Act of Union but cannot reduce the number of members for each Province in the House of Assembly, until the total number of members reaches 150 or until the expiration of 10 years from 31st May, 1910, whichever period is longer. Parliament cannot by law disqualify any person in Cape Colony from voting for the House of Assembly by reason of his race or colour, or alter the equality of the English and Dutch languages, unless such law is passed by both Houses sitting together with a two-thirds majority of the total membership at the third reading.

All Bills repealing or amending section 64 of the Union Act (dealing with the Governor-General's veto in legislation) or Chap. iv. (dealing with the constitution of the House of Assembly), and all Bills abolishing or abridging the powers of Provincial Councils or limiting matters, in which special leave to appeal from the decision of the Supreme Court to the King

Governor-General appointed by the Crown and paid a salary of £10,000 p.a., which cannot be altered during his term of office. He can be authorised by the King to appoint any person to be his deputy during his absence from the Union. He is the Commander-in-Chief of the naval and military forces in the Union.

The principal powers of the Governor-General in Council under the South Africa Act are :—

(1) Nominates 8 senators.

(2) Appoints and removes all officers of the public service in the Union, except where otherwise provided by Act of Parliament.

(3) Makes regulations for the joint election of senators by Provincial Councils and of members of House of Assembly for the Province.

(4) Proclaims the boundaries of electoral divisions as first settled and as subsequently altered.

(5) After each quinquennial census appoints a Commission of three Judges of the Supreme Court of South Africa to carry out any re-division of electoral divisions that may be required.

(6) Appoints and removes for cause assigned administrators and deputy administrators for each Province.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
South Africa (*cont.*).	——	(7) Minister of Land and Irrigation. (8) Minister of Public Works, Posts, and Telegraph. (9) Minister of Trade and Commerce. (10) Minister of Justice. (11) Minister without portfolio.	the Transvaal, 17 each from Natal and Orange River Colony. Provision is made for an increase in the number of members in proportion to any increase in population (European male adults only) to be ascertained by a census taken in 1911, and thereafter every 5 years. The qualifications of electors till fixed by Parliament are the same as for the Provincial Houses of Assembly. At general elections all polls are to be taken on one day. A Commission is to be appointed consisting of a Judge of the Supreme or High Court of each colony, nominated by the Governor-in-Council of the Colony, to delimit electoral divisions throughout the Union. The House of Assembly is elected for 5 years unless sooner dissolved. Members of both Houses are to be paid £400 per annum with a deduction of £3 for every day of absence during the session. Money bills must be introduced in the Lower House and cannot be amended in the Senate. Appropriation or taxing bills can only originate on a recommendation by the Governor-General. In case of disagreement between the two Houses, if the bill in dispute is passed at two consecutive sessions by the House of Assembly

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
in Council may be asked, must be reserved for the King's pleasure. The King on the advice of the Privy Council and on receiving addresses from the Union Parliament, can admit into the Union the territories administered by the British South Africa Company, or can transfer to the Union the Government of any territories belonging to and under the protection of His Majesty and inhabited wholly or in part by natives. The Union Parliament can alter the boundaries of any province, on the petition of the Councils of all provinces affected.	(7) Can disapprove of the rules of procedure of Provincial Councils and Executive Committees. (8) Determines the allowances for the members of the Provincial Councils. (9) Approves the allowances fixed by Provincial Councils for the members of Executive Committees. (10) Decides what are matters of a "merely local or private nature" for Provincial Councils. (11) Pays over money to Provincial Councils. (12) Approves of Provincial Loans. (13) Assents or withholds assent to Ordinances of Provincial Councils or reserves them for future consideration. (14) Appoints and removes provincial auditors, and, with the consent of Parliament, fixes their salaries, and frames rules for their guidance. (15) Makes appointments to the Supreme Court of South Africa. (16) Approves the rules framed by the Judges for procedure in Appellate and Provincial Courts. (17) Appoints the Registrar of the Appellate Division of the Supreme Court. (18) Is to appoint a Commission to enquire into the financial relations between the Union and Provinces. (19) Crown lands, public works and all property and rights of the several colonies vest in Governor-General in Council. (20) Appoints 3 Commissioners to control and manage the harbours and railways of the Union, and removes them. (21) Appoints a Controller and Auditor-General and removes him on an address from both Houses, or may suspend him if Parliament is not sitting. (22) Appoints an Attorney-General for each Province. (23) Is to appoint a Commission to enquire into the re-organisation of the public service and after receiving their

Territory.	Status and nature of Constitution.	Executive.	Legislature.
South Africa (*cont.*).	—	—	and not agreed to by the Senate, a joint sitting of the two Houses may be convened by the Governor-General and the decision of the majority of members of both Houses present at the sitting prevails. In the case of a money Bill, the joint sitting can be held in the first session in which the Bill is rejected. The seat of the Legislature is to be at Cape Town. Members of Parliament must be British subjects of European descent.
Cape Colony, Natal, Transvaal, Orange River Colony.	Provinces of South African Union. Subordinate local governments.	*Administrator* appointed by the Governor-General in Council for 5 years. His salary is fixed and provided by the Union Parliament, and cannot be reduced during his term of office. The Administrator is Chairman of the ***Executive Committee*** of 4 persons elected by the Provincial Council from among its members or otherwise. Casual vacancies are filled in the same way, or if the Provincial Council is not sitting are temporarily filled by the Executive Committee itself. Members of the Executive Committee are to receive allowances determined by the Provincial Council, with the	*Provincial Council* elected for 3 years and not liable to previous dissolution, consisting of the same number of members as the Colony has in the House of Assembly, but not to be less than 25 in number. The electorate is the same as for the House of Assembly. Members are to receive allowances determined by the Governor-General in Council. Any member who becomes a member of either House of Parliament ceases to be a member of the Provincial Council. A Provincial Council may make ordinances for:— (i) Direct taxation in the

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	report, shall from time to time assign officers to the different Provinces. (24) Is to appoint a permanent public service Commission for the appointment, superannuation, etc., of officers. (25) Has general control over all native and Asiatic affairs. *The chief powers of the Governor-General (not in Council) are*:— (1) Chooses Executive Council and appoints ministers. (2) Summons and prorogues Parliament. (3) Dissolves both Houses simultaneously or the Lower House alone. (4) Recommends Appropriation or Taxing Bills to the House of Assembly. (5) Convenes a joint sitting of both Houses in cases of disagreement. (6) Assents to, withholds assent, or reserves a Bill for the King's pleasure.
No Ordinance can have effect if repugnant to any Act of Parliament. A provincial Council may recommend to Parliament the passing of any Acts dealing with a matter on which the Council cannot legislate by Ordinance. No Ordinance appropriating money from the Provincial Revenue Fund shall be passed except on the recommendation of the Administrator. Every Ordinance has to be presented by the Administrator to the Governor-General in Council for his assent. The latter can assent or withhold assent or reserve the Ordinance for further consideration. In the latter case the Ordinance has no force unless assent is given within a year.	All executive acts are done in the name of the Administrator. He summons and prorogues the Provincial Council, is chairman of the Executive Committee and has a casting vote. In respect of matters in which no powers are reserved or delegated to the Provincial Council, the Administrator acts on behalf of the Governor-General in Council when required to do so, and in respect to such matters he may act without reference to the other members of the Executive Committee. He recommends to the Provincial Council all appropriations from the Provincial Revenue Fund and signs all warrants for the issue of money. The Administrator is apparently the official channel for communication with the Governor-General, *e.g.* in obtaining sanction to the rules of procedure framed by the Provincial Council (Sec. 75 of South Africa Act).

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Cape Colony, Natal, Transvaal, Orange River Colony (*cont.*)	——	approval of the Governor-General in Council. A member of the Executive Committee can continue to be a member of the Provincial Council, and all members of the Executive Committee [including the Administrator] can sit and speak but not vote in the Provincial Council, unless they are members of the Council. The Executive Committee inherits all such powers and functions formerly vested in the Governor or any Minister of the Colony, as are not handed over to the Union Government. In particular the Executive Committee appoints such officers as may be necessary, in addition to the officers assigned to the Province by the Governor-General in Council, to carry out the services entrusted to them. In so appointing they must conform to the provisions of any law in this behalf passed by the Union Parliament. There is to be an auditor for each Province appointed by the Governor-General in Council. His salary is determined by and he acts on regulations made by the Governor-General in Council.	province for provincial purposes. (ii) Borrowing money on the sole credit of the province with the consent of the Governor-General in Council. (iii) Elementary education for 5 years or until Parliament otherwise directs. (iv) Agriculture. (v) Hospitals and Charitable Institutions. (vi) Municipal and other Local Institutions. (vii) Local Works except Railways and Harbours. (viii) Roads and Bridges. (ix) Markets and Pounds. (x) Fish and Game Preservation. (xi) Punishments for enforcing any Law or Ordinance within the powers of the Council. (xii) All matters which in the opinion of the Governor-General in Council are of purely local or private nature. (xiii) Any other subject in regard to which Parliament may delegate the power of making ordinances.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
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(B) RESERVATIONS AND RESTRICTIONS ON THE POWERS OF CROWN COLONY LEGISLATURES

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(I) In most of the Crown Colonies (*i.e.*, all colonies other than the self-governing Dominions) the Crown nominates the whole or the majority of the members of the Legislative Council. In some cases the Governor alone can legislate.

(II) In all the Crown Colonies and Protectorates except the Bahamas, Barbados, Bermuda, British Honduras and the Leeward Islands, the Crown has the power of legislating by Order in Council. It it is doubtful if this power exists in the case of St. Vincent and Grenada (Windward Islands).

(III) Any legislative Act requires the assent of the Governor and moreover can be disallowed by the Crown on the advice of the Secretary of State after it has been assented to by the Governor. This power of disallowance is frequently used.

(IV) Subject to these controls through the composition of the Legislature, the Governor's power of disallowance, and the power of disallowance of the Secretary of State, a Crown Colony Legislature has very wide powers of legislation and it can legislate in theory on any topic whatever which can be considered as falling under the heading "peace, order, and good government." Moreover, like the legislative bodies of India, its legislative powers are not exercised by delegation from the Crown or from the Imperial Parliament, but within its sphere of action it has a full discretion.

(V) On the other hand, in order to avoid inconvenient results of this full discretion, elaborate provision is made by which the Governor is forbidden to assent to certain classes of laws except on certain conditions.

The classes of laws are practically identical throughout the Crown Colonies though they vary slightly in wording. The following may be regarded as the normal list:—

"The Governor shall not assent in Our name to any Ordinance of any of the classes hereinafter specified (that is to say),

(1) Any Ordinance for the divorce of persons joined together in Holy Matrimony.

(2) Any Ordinance whereby any grant of land or money, or other donation or gratuity, may be made to himself.
(3) Any Ordinance whereby any increase or diminution may be made in the number, salary, or allowances of the public officers.
(4) Any Ordinance affecting the Currency of the Colony, or relating to the issue of Bank Notes.
(5) Any Ordinance establishing any Banking Association, or amending or altering the constitution, powers, or privileges of any Banking Association.
(6) Any Ordinance imposing differential duties.
(7) Any Ordinance the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.
(8) Any Ordinance interfering with the discipline or control of Our forces in the Colony by land or sea.
(9) Any Ordinance of an extraordinary nature and importance, whereby Our prerogative or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of Our United Kingdom and its Dependencies, may be prejudiced.
(10) Any Ordinance whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable.
(11) Any Ordinance containing provisions to which Our assent has been once refused, or which have been disallowed by Us.

Unless such Ordinance shall contain a clause suspending the operation of such Ordinance until the signification in the Colony of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Ordinance be brought into immediate operation, in which case he is authorised to assent in Our name to such Ordinance, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed on Us by Treaty. But he is to transmit to Us by the earliest opportunity the Ordinance so assented to, together with his reasons for assenting thereto."

(VI) Moreover, it is normally provided that "no private Ordinance shall be passed whereby the property of any private person may be affected in which there is not a saving of the rights of Us, Our heirs and successors, and of all bodies, politic and corporate, and of all other persons except such as are mentioned in the said Ordinance, and those claiming by, from, and under them. The Governor shall not assent in Our name to any private Ordinance until proof be made before him in the Legislative Council and entered in the Council Book, that adequate and timely notification, by public advertisement or otherwise, was made of the parties' intention to apply for such Ordinance before any such Ordinance was brought into the Legislative Council; and a certificate under his hand shall be transmitted with and annexed to every such private Ordinance, signifying that such notification has been given, and declaring the manner of giving the same."

(VII) In addition to these restrictions there is a universal restriction that money votes must be proposed by the Governor or, if not by the Governor, with his consent. Any exceptions to this rule are detailed in the statement of the Colonies concerned.

(VIII) The exact effect of an omission to obey these restrictions would in all probability not be that the law was invalid; at any rate this seems to follow

from Section 5 of the Colonial Laws Validity Act, 1865, because these restrictions are not as a rule embodied in the Letters Patent or other law giving the Legislative Council its powers of legislation, but of course the Governor normally faithfully observes them, and if he accidentally omits to do so the Ordinance can be, and normally would be, disallowed. The provision as to money votes has, however, in some cases statutory sanction; it is not however, one which is ever violated and it may be taken as definitely binding.

(IX) The above restrictions apply generally to the Crown Colonies and in particular are in force in Ceylon, Hong Kong, the Straits Settlements, Fiji, Falkland Islands, Gambia, Gold Coast, Southern Nigeria, Sierra Leone, Grenada, St. Lucia, St. Vincent, the Leeward Islands, Jamaica, Trinidad, Mauritius, British Honduras, while similar provisions apply to the East Africa and Nyasaland Protectorates. In the case of Cyprus (1), (9), and (10) in para. (V) are omitted as out of place. Malta has a special list including only (1), (2), (4), (11), and the introduction of aliens. In the case of British Guiana (3) is omitted.

(X) The same principle applies to the cases where the Governor alone legislates; he cannot of course be instructed to refuse to assent to Ordinances which he himself passes, but he is to be guided by similar principles in passing Ordinances and he normally obtains in any doubtful case the approval of the Secretary of State before legislating.

(XI) On all other matters in all the Colonies and Protectorates in which there is a Legislative Council, there is the fullest freedom of debate on all subjects whatsoever and it has been, and can be, freely exercised.

(XII) Normally no Crown Colony is able to amend its own Constitution. The legal facts which produce this result vary a good deal; it is unnecessary to go into them in detail, but the following account of the position is practically correct.

The following Colonies cannot vary their Constitutions at all:—Ceylon, Hong Kong, the Straits Settlements, Seychelles, Grenada, St. Vincent, St. Lucia, Falkland Islands, Gambia, Gold Coast, Sierra Leone, Southern Nigeria, and Trinidad. Also the Protectorates of East Africa and Nyasaland, and the Colonies and Protectorates without a Legislative Council, viz., Ashanti, Basutoland, Bechuanaland Protectorate, Gibraltar, Northern Nigeria, Northern Territories of the Gold Coast, St. Helena, Somaliland, Uganda, Weihaiwei, and the Islands in the Western Pacific High Commission.

The Colonies of the Bahamas, Barbados, and Bermuda can alter their Constitutions freely.

The Legislative Council of the Leeward Islands can alter its Constitution, but an Act for the alteration must be reserved by the Governor for the signification of the Royal pleasure. The Legislative Councils of Jamaica, Malta, and Mauritius can alter their Constitutions subject to reservation. The Legislative Council of British Guiana can alter its Constitution subject to reservation. The Legislative Council of Cyprus is forbidden to alter its Constitution.

Curiously enough on historical and legal grounds it seems to be possible, or even probable, that the Legislative Council of British Honduras could alter its Constitution and that further the Island Councils as opposed to the Federal Legislative Council of the Leewards could alter their Constitutions in each case without any special provision as to reservation.

(C) EXECUTIVE COUNCILS IN CROWN COLONIES

(C) EXECUTIVE COUNCILS IN CROWN COLONIES

In Crown Colonies the Executive Council consists of certain principal officers of the Government with or without the addition of unofficial members. These Councillors are either the holders of offices specified in the Governor's instructions or persons appointed in pursuance either of a Royal Warrant or of instructions from the Crown signified through a Secretary of State. The Governor may in cases of vacancies make provisional appointments subject to the approval of the Crown. Members of the Executive Council can be dismissed by the Crown alone, but in case of urgency may be suspended by the Governor, who must at once report fully to the Secretary of State the grounds for such action.

The Executive Council has the duty of assisting the Governor with its advice, and the Governor is required by his instructions to consult the Council in all matters of importance, except in cases of urgency (when it is his duty at the earliest practicable period to communicate to the Council the measures he may have adopted and his reasons), and in cases of such a nature that in his judgment the King's service would sustain material prejudice by consulting the Council thereon. Unless otherwise provided in any particular case by law or by his instructions, the Governor may act in opposition to the advice of this Council, but he is then required to report the reasons for his action to the Secretary of State by the first convenient opportunity.

(Colonial Regulations, Chapters I, Section III, 23 and 24).

(D) SYSTEM OF GOVERNMENT OF NON-SELF-GOVERNING COLONIES*

* For Classification see p. 59.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
*Bahamas.	Annexed from the Spanish by Peace of Versailles, 1783. Representative institutions, but not responsible government.	Governor aided by an Executive Council of not more than 9 members, nominated by the Governor. At present these are the Colonial Secretary, Attorney-General and Receiver-General, and 5 non-officials. The latter have seats in one of the branches of the legislature.	Legislative Council of 8 members nominated by the Crown. Representative Assembly of 29 members elected from 15 districts by persons owning land of the value of £5 or occupying houses of an annual rental of £2 8*s*. in New Providence or £1 4*s*. elsewhere. Members must have property worth £200.
Barbados.	Settled by British merchants. Sovereignty annexed to the Crown in 1662. Representative institutions, but not responsible government.	Governor and an Executive Council nominated by the Crown. It consists of the Colonial Secretary, the Attorney-General (both *ex-officio*), the Speaker of the House of Assembly, and the Commandant of the local forces (who is also Inspector-General of Police). The Executive Committee consists of the Governor as Chairman, the members of the Executive Council, and one member of the Legislative Council and 4 members of the House of Assembly nominated by the Governor. The Executive Committee is by a Colonial Act entrusted with the duty of introducing all money votes, preparing the estimates and initiating all Government measures. All officers are appointed by the Home Government, except the Treasurer, who is an officer of the House of Assembly.	Legislative Council consisting of 9 members appointed by the King. House of Assembly of 24 members elected annually on the basis of a moderate franchise from 12 districts.

* For Classification see p. 59.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between local and Imperial Governments.
The King in Council has not reserved power to legislate. Money votes can be proposed in the Lower House without the Governor's consent. The Legislature possesses the power to alter the constitution of the colony.	Governor and Commander-in-Chief, Vice-Admiral and Ordinary, appointed by the Crown.
The King in Council has not reserved the power to legislate. The Legislature possesses the power to alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Bermuda.	Settled in 1609, administered by a trading company till 1684, when sovereignty was annexed to the Crown. Representative institutions, but not responsible Government.	Governor assisted by an Executive Council, consisting at present of 4 official members (the Senior Military Officer, Colonial Secretary, Attorney-General and Receiver-General) and 2 non-officials. In the absence of the Governor, the senior military officer acts for him. Members of the Executive Council are paid 8*s.* a day for each day's attendance.	Legislative Council of 9 members, 3 official (Chief Justice, Colonial Secretary and Receiver-General) and 3 non-officials, appointed by the Crown. House of Assembly of 36 members elected from 9 parishes by all owners of a freehold of more than £60 value. Members must have a freehold property qualification of £240. They are paid 8*s.* for each day's attendance.
British Guiana.	Settled by the Dutch, ceded to England in 1814. Representative institutions, but not responsible government	Governor and Executive Council, consisting of the Government Secretary, Attorney-General (*ex officio*), 3 other officials, viz: the Receiver-General, Immigration-Agent-General, Surgeon-General, and 3 non-officials.	Court of Policy, consisting of the Governor as President, 7 official members (Government Secretary, Attorney-General, Receiver-General, Auditor-General, Surgeon-General, and Colonial Civil Engineer) and 8 elected members. They are elected for 5 years, but the Court may be prorogued or dissolved at any time by the Governor. Members have to possess immovable property of the value of £1,562 or have the lease for 21 years of a house or house and land of an annual value of £250. The franchise is extended to all who own 3 acres of land, or own a house and land of an annual value of £20; or occupy as tenants 6 acres or rent a house and land of an annual value of £40; or have an annual income of at least £100 and reside in the

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
The King in Council has not reserved the power to legislate. Money votes can be proposed in the Lower House without the Governor's consent. The Legislature possesses the power to alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown.
Legislation by Order in Council is possible but not usual. Ordinances increasing or diminishing the number, salary, or allotment of public officers do not require to be reserved for the Royal pleasure in this Colony. Acts altering the constitution must be reserved.	Governor appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
British Guiana (*cont.*).	—	—	district, or have paid direct taxes up to £4 3*s.* 4*d.* in the past year. There are also 6 elected Financial Representatives, who, with the Court of Policy, form the Combined Court. This Combined Court has the power (1) of imposing Colonial taxes and auditing public accounts, (2) discussing freely and without reserve the items or the estimates prepared by the Governor-in-Council. (But the financial proposals of the Government cannot be altered so as to increase the burden of the people.) This second right is conferred periodically by H.M. Order in Council with each renewal of the Civil List. The last renewal was for 5 years in 1908. The Financial Representatives are elected by the same Electorate as the Court of Policy. They must possess the same qualifications and also a clear annual income of £300 arising from property not mentioned in any other property qualification.
British Honduras.	Settled in 1638 and managed by settlers till 1786, after which date superintendents were appointed by the Home Government. A Crown colony.	Governor and an Executive Council of 6 members, 3 *ex-officio* (Colonial Secretary, Treasurer, and Attorney-General) and 3 appointed members (one of the latter is an official and one a retired official).	Legislative Council, with Governor as President, consisting of the 3 *ex-officio* members of the Executive Council and 5 unofficial members nominated by the Governor. The Council passes ordinances.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
The Crown has not retained the right of legislating in Council. The Legislative Council could probably alter its constitution by an ordinary Act, which need not be reserved.	Governor and Commander-in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Ceylon.	Captured from the Dutch in 1795–1796. Annexed to the Madras Presidency till 1801, when it was made a separate Colony. A Crown Colony.	Governor aided by an Executive Council of 6 members, 5 *ex-officio* (Colonial Secretary, Officer commanding the troops, Attorney-General, Controller of Revenue, Treasurer), and one additional member, also an official, nominated by the Governor.	Legislative Council of 17 members with the Governor as President. It includes the 5 *ex-officio* members of the Executive Council, the Government Agents for the Western and Central Provinces, 2 other officials (at present the Director of Public Works and Principal Collector of Customs), and 8 non-officials nominated by the Governor.
Cyprus.	Assigned to England by the Sultan of Turkey "to be occupied and administered" by a Convention of 4th July, 1878. England pays the Porte £5,000 p.a. The island to be evacuated by the English if Russia restores to Turkey Kars and other conquests made in Armenia.	High Commissioner and an Executive Council consisting of the Chief Secretary, King's Advocate, and Treasurer (*ex-officio*). All 3 are also nominated members of the Legislative Council.	The High Commissioner (who presides), 6 non-elective members who are officials, and 12 elected members. Of the latter, 3 are chosen by the Musulman and 9 by non-Musulman inhabitants. Members are elected for 5 years, but the Council may be dissolved at an earlier time by the High Commissioner. Franchise can be exercised by British subjects and foreigners who have resided 5 years in Cyprus. All electors must have paid any class of the taxes known as Verghi.
East Africa (Protectorate).	Protectorate including certain dominions	Executive Council consisting of the Governor, the Lieutenant-Governor, the Commissioner for	Legislation is by Ordinances made by the Governor with the advice and consent of the Legis-

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Government.
The Legislative Council has no power to alter the Constitution of the Colony	Governor and Commander-in-Chief appointed by the Crown.
The Government is regulated by Order in Council of 6th July, 1907. (See par. ix of general note regarding reservations on powers of legislatures.) Money votes require the initiation of the High Commissioner, but in practice they are freely criticised in the Council and the disposal of certain revenues is left practically to the decision of the elective members. The High Commissioner cannot, however, consent to any Bill varying any existing taxes without the assent, previously obtained, of the Secretary of State. Acts altering the constitution of the Council must be reserved.	High Commissioner appointed by the Crown and invested with the usual powers of a Colonial Governor
Government is regulated by Orders in Council dated 22nd October and 9th November, 1906. The Legislative	Governor and Commander-in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
East Africa (Protectorate) (*cont.*)	of the Sultan of Zanzibar leased to Great Britain for an annual payment of £17,000. Concession originally made to a Company but transferred in 1895 to HM. Government.	Lands, the Treasurer and the Crown Advocate.	lative Council. The latter body is entirely nominated by the Crown and consists of the members of the Executive Council and the General Manager of the Uganda Railway (all *ex-officio*); 3 nominated officials and 4 nominated non-officials.
Falkland Islands.	Annexed from Buenos Ayres in 1832. A Crown Colony.	Governor and an Executive Council, consisting of the Colonial Surgeon and one nominated unofficial member.	Legislative Council, consisting of the Governor and members of the Executive Council, together with 2 unofficial members appointed by Warrant under the Royal Sign Manual for 5 years.
Fiji Islands.	Sovereignty ceded to England by the principal native chiefs in 1874. Partly representative institutions, but not responsible government.	Executive Council consisting of the Governor and 5 official members, viz., the Colonial Secretary, Attorney-General, Native Commissioner, Collector of Customs and Agent General of Immigration. The Commissioner of Lands is also a member for certain cases and the Chief Justice is apparently an extra nominated member. The Legislative and not the Executive Council assesses the taxes payable by each province. There are 17 provinces.	Legislative Council consisting of the Governor and 10 official members (the 6 members of the Executive Council, but not the Chief Justice, and the Chief Medical Officer, Inspector-General of Constabulary, Commissioner for Works and Governor's Commissioner for Colo North and East). There are also 6 elected and 2 native members. There is thus an official majority on the Council. There is also a Native Regulation Board consisting of the Governor as President, the

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
Council has no power to alter the constitution of the Protectorate.	——
The Legislative Council has no power to alter the constitution of the Colony.	Governor appointed by the Crown.
The Constitution is regulated by Letters Patent of 21st March, 1904, as amended by Letters Patent of 30th August, 1905, and 27th July, 1907. Regulations made by the Native Regulation Board require the assent of the Legislative Council before they become law. The Legislative Council possesses no power to alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown. He is also High Commissioner for the Western Pacific.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Fiji Islands (*cont.*).	——	——	Chief Justice, Attorney-General, Native Commissioner, Chief Medical Officer, Collector of Customs, 9 Roko Tuis (or chiefs) and 4 other native members. This Board has power to make regulations regarding marriage and divorce of natives, succession to property, jurisdiction of native courts and magistrates in civil and criminal law and other matters concerning the good government of the native population.
Gambia Colony and Protectorate.	Settled and added to by territory partly purchased, partly ceded and partly annexed; administered as a Protectorate since 1894, with the exception of the Island of St. Mary, which is a Crown Colony.	Executive Council consisting of the Governor as President, the Colonial Secretary and 2 nominated officials (at present the Treasurer and Legal Assistant). Travelling Commissioners under the orders of the Governor travel through the Protectorate, where a "yard" or "hut" tax is imposed. There are magistrates and native Courts in the Protectorate established by Ordinance.	Legislative Council consisting of the Governor as President, the Colonial Secretary and Chief Magistrate (*ex-officio*), 3 nominated officials and 4 nominated non-official members. There is thus an official majority. The Council has power to legislate for the Protectorate as well as for the Colony.
Gibraltar.	Captured in 1704 and ceded by Treaty of Utrecht, 1713. A Crown Colony.	No Executive Council. The Governor exercises by himself all the functions of government.	No Legislative Council. The Governor exercises by himself all the functions of legislation.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
Ordinance No. 7 of 1902 provides for the government of the whole Protectorate, the Island of St. Mary being a Crown Colony. An Order in Council of 23rd November, 1893, provided for the establishment of H.M. jurisdiction within the Protectorate. The Legislative Council has no power to alter the constitution of the Colony.	Governor appointed by the Crown.
No law has any effect until confirmed by the Crown. The Governor used to have to send home drafts of laws for approval but this is not now legally necessary. No law can alter the constitution of the Colony.	Governor appointed by the Crown, who is also the General commanding the garrison.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
The Gold Coast Colony.	Settled by Chartered Companies; Government subsequently vested in the Crown. Part of the territories were ceded by the Dutch settlers to England in 1871. A Crown Colony.	Executive Council consisting of the Governor as President, and the Colonial Secretary, Treasurer, and Attorney-General (*ex-officio*).	Legislative Council consisting of the members of the Executive Council, with the addition of the Chief Justice and 4 unofficial members nominated by the Crown.
Ashanti. (Gold Coast.)	Annexed in 1901 by Order in Council of Sept. 26th. Administered under the Gold Coast Colony Government.	A Chief Commissioner subordinated to the Governor of the Gold Coast Colony.	No Legislative Council. The Governor of the Gold Coast Colony can pass Ordinances.
Protected Northern Territories. (Gold Coast.)	Ditto.	Ditto.	Ditto.
Hong Kong.	Ceded by Treaty of Nankin in 1842. Additional territory ceded by conventions of 1860 and	Governor aided by an Executive Council, of which he is President, composed of 6 official and 2 unofficial members. The 6 official members are the Officer commanding the troops, Colonial Secretary, Attorney-General, Treasurer,	Legislative Council, of which the Governor is President, consisting of 7 official members and 6 non-officials. The 7 official members are those who are members of the Executive Council (except the P.M.O.) and the Registrar-

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
The extent and limits of the colony are defined by Order in Council of 1906. The Legislative Council has no power to alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown.
No ordinance can alter the constitution of the Colony.	Governor of Gold Coast Colony.
No ordinance can alter the constitution of the Protectorate.	Ditto.
The Legislative Council has no power to alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Hong Kong (*cont.*).	1898. A Crown Colony.	Director of Public Works and Principal Medical Officer.	General and Captain Superintendent of Police. The unofficial members are nominated. 3 by the Crown on the Governor's recommendation (2 usually being Chinese), 1 by the Justices of Peace from their body, and 1 by the Chamber of Commerce. They hold their seats for 6 years.
Jamaica.	Captured from Spain 1655. England's rights recognised by Treaty of Madrid, 1670. Partly representative institutions, but not responsible government.	The Governor and a Privy Council over which he presides. It consists of the Officer commanding the troops, the Colonial Secretary, the Attorney-General and the Lieutenant-Governor (if any), together with such other persons, not exceeding 8, as may be named by the King or provisionally appointed by the Governor. At present there are 3 nominated members, all officials. There is no Lieutenant-Governor at present.	Legislative Council, consisting of the Governor as President and 5 other *ex-officio* members (viz.: the Officer Commanding the Troops, the Colonial Secretary, Attorney-General, Director of Public Works and Collector-General) and such other persons, not exceeding 10, as H.M. may from time to time appoint, or the Governor may provisionally appoint. There are also 14 elected members, who hold their seats for 5 years. The Governor has only a casting vote, but can, if necessary, by nomination, place the elected members in a minority of one. The Council has to be dissolved 5 years after a General Election if not dissolved sooner.
Cayman Islands. (Jamaica.)	A dependency of Jamaica, from which the islands were mainly colonised. A	A Commissioner, who is also the Government medical officer. He is subordinate to the Governor of Jamaica, and is assisted by magistrates appointed by the Governor.	A Legislative Assembly consisting of the Justices of the Peace and elected vestrymen.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
Constitution was fixed by Order in Council of 19th May, 1884, and Amending Order of 3rd October, 1895. Power is specially conferred on the King in Council to legislate, under 29 and 30 Vict. cap. 12. The Legislative Council can alter its constitution by an ordinary Act, which must be reserved for the Royal pleasure.	Captain-General and Governor-in-Chief appointed by the Crown.
All laws are subject to the assent of the Governor of Jamaica before they become operative.	Governor of Jamaica.

Territory	Status and nature of Constitution.	Executive.	Legislature.
Cayman Islands (*cont.*).	subordinate local government.	——	——
Turks and Caicos Islands. (Jamaica.)	Colonised by settlers from Bermuda. Included in Bahamas till 1848 when they were placed under the Governor of Jamaica. A dependency of Jamaica.	A Commissioner, who is subordinate to the Governor of Jamaica.	Legislative Board consisting of the Commissioner and Judge, and not less than 2 or more than 4 other persons, appointed by the Governor of Jamaica. At present there are 4 such persons, 1 official and 3 non-officials. Taxation and expenditure and all local matters are regulated by this Board.
Leeward Islands. 1. Antigua (with its dependencies). 2. Montserrat. 3. St. Kitts and Nevis, (including Anguilla). 4. Dominica. 5. The Virgin Islands (including Sombrero).	Settled during 17th century, constituted a single Federal Colony by Imperial Act of 1871. Sombrero added to the Colony by Order in Council of 10th August, 1904. Partly representative institutions, but not responsible government.	Executive Council consisting of the Governor, Colonial Secretary, Attorney-General, the Administrators of Dominica and of St. Kitts and Nevis, the Commissioners of Montserrat and the Virgin Islands (all *ex-officio*). Also 11 nominated members. Antigua is the seat of the Federal Government. The Governor and 2 Federal officials (the Colonial Secretary and Attorney-General) are members of the Executive Council of each Presidency.	Legislative Council consisting of the Governor and 8 official and 8 elected members. The 8 officials are the Colonial Secretary, Attorney-General, Auditor-General, the Administrators of St. Kitts and Nevis, and of Dominica and the Commissioners of Montserrat and the Virgin Islands. 3 elected members are chosen by the unofficial members of the Legislative Council of Antigua, 2 by those of the Council of Dominica and 3 by those of the Council of St. Kitts and Nevis. They must be members of their island councils. The Council lasts for not more than 3 years. The Council has concurrent powers with island councils on subjects specified in the Act of 1871,

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
The Acts of the Legislative Board require the assent of the Governor of Jamaica. The Legislative Council of Jamaica can legislate for the Islands by Acts expressly made applicable to them. The subjects of currency, bills of exchange, patents, and the custody of prisoners and lunatics, have been so dealt with.	Governor of Jamaica.
The Legislative Council has power to alter its own constitution by an ordinary Act, to be reserved for the King's pleasure. The King in Council has not reserved the power to legislate, but the Crown can by Order in Council include any other West Indian Island in the Federation, upon joint addresses from the legislative body of such island and from the general Legislature and on the terms stated in the addresses.	Governor and Commander-in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Leeward Islands (*cont.*).	—	—	viz.: property law, mercantile and criminal law, police, convicts, quarantine, posts, telegraphs, currency, audit, weights and measures, education, lunatics, immigration, copyright, patents, and its own constitution and procedure. Any Island Legislature is also competent to declare any other matters to be within the competency of the general Legislature. The Council votes the expenses of the Federal establishment and apportions them among the islands.
Antigua, with its dependent islands Barbada and Redonda.	Crown Colonies, being a component part (Presidency) of the Federal Colony of the Leeward Islands.	Executive Council consisting of the Governor, Colonial Secretary and Attorney-General (of the Federal Colony) and 5 nominated members, 2 official and 3 non-official.	Legislative Council consisting of 16 members, 8 official and 8 non-official, all nominated by the Governor under Royal Letters Patent. The Governor presides.
St. Kitts and Nevis and Anguilla with their dependencies.	Ditto.	Executive Council consisting of the Governor, the Administrator of the Presidency, the Colonial Secretary and Attorney-General and such other persons as H.M. may from time to time appoint. These are 8 at present, of whom 4 are officials.	Legislative Council of 6 official and 6 nominated non-official members, besides the Governor and Administrator. The latter presides in the absence of the Governor and as President has a casting vote.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
The Legislature of each Presidency has concurrent powers with the Federal Legislature on certain subjects (*vide* "Leeward Islands"), but any enactment of a local Legislature on such subjects is void if it is repugnant to an Act of the general Legislature. On other subjects local legislatures have sole legislative power and could apparently alter their own constitutions by ordinary Acts, which need not be reserved for the Royal pleasure.	The Governor of the Leeward Islands.
Ditto.	Ditto.

Territory.	Status and nature of Constitution.	Executive.	Legislature
Leeward Islands (*contd.*). Dominica.	Crown Colony, being a component part (Presidency) of the Federal Colony of the Leeward Islands	Executive Council consisting of the Governor, the Administrator, the Colonial Secretary and Attorney-General and 4 nominated officials and 2 nominated non-officials.	Legislative Council of 6 official and 6 nominated non-official members, besides the Governor and Administrator. The latter presides in the absence of the Governor and as President has a casting vote.
Montserrat.	Ditto.	Executive Council consisting of the Governor, the Commissioner, the Colonial Secretary and Attorney-General, together with 4 nominated members, 2 officials, and 2 non-officials.	Legislative Council consisting of the Governor, the Commissioner, and such persons not exceeding 4 as H. M. may appoint. At present there are 2 official and 2 non-official nominated members. The Commissioner presides in absence of Governor.
Virgin Islands (including Sombrero).	Ditto.	Executive Council consisting of the Governor, the Commissioner, the Colonial Secretary, Auditor-General and Attorney General, and 2 nominated officials.	There is no Legislative Council. The Governor of the Leeward Islands ordains the laws.
Malta.	Annexed to the British Crown by the Treaty of Paris, 1814. Partly representative institutions, but not responsible government.	The Governor advised and assisted by an Executive Council of 11 members, all officials, viz.: (1) Lieut.-Governor, Chief Secretary to Government. (2) Crown Advocate. (3) Officer commanding Artillery. (4) Comptroller of Charitable Institutions. (5) Superintendent of Public Works.	Council of Government, consisting of the Governor as President, the Chief Justice as Vice-President, 10 official members (who are the same as those of the Executive Council, except that the Collector of Customs is substituted for the O.C. Artillery and Assistant-Secretary to Government) and 8 elected members. The latter are elected from 8 districts and cannot

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
The Legislature of each Presidency has concurrent powers with the Federal Legislature on certain subjects (*vide* "Leeward Islands"), but any enactment of a local Legislature on such subjects is void if it is repugnant to an act of the general Legislature. On other subjects local legislatures have sole legislative power and could apparently alter their own constitutions by ordinary Acts, which need not be reserved for the Royal pleasure.	The Governor of the Leeward Islands.
Ditto.	Ditto.
	Ditto.
The power of legislating by Order in Council has been used often in the past, even on one occasion to impose a tax, before the local Council was amended by Letters Patent of June, 1903, so as to provide for an official majority. The only Acts that must be reserved for the Royal pleasure are those dealing with divorce, grants of land or money to the Governor, currency and bank notes, and immigration, and those which contain provisions to which the Royal assent has once been refused	Governor and Commander-in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Malta (*cont.*).	——	(6) Director of Public Instruction. (7) Auditor-General (8) Receiver-General. (9) Postmaster-General. (10) Chief Medical Officer. (11) Assistant Secretary to Government.	be public officers or ecclesiastical persons, and must possess a certain property qualification. Electors must be adult males of British nationality and must have an income of £6 per annum from immovable property or pay an annual rent of that amount. The Council lasts for 3 years unless previously dissolved. Neither the Governor, nor Vice-President, nor any presiding member has an original or casting vote.
Mauritius.	Captured from the French in 1810, and possession confirmed by Treaty of Paris in 1814. Partly representative institutions but not responsible Government.	Governor, with an Executive Council of 5 officials and 2 elected members. The 5 officials are the Officer commanding the troops, Colonial Secretary, Procureur and Advocate-General, Receiver-General and Auditor-General (all *ex-officio*).	Council of Government with the Governor as President. The 5 members of the Executive Council are *ex-officio* members and so are 3 other officials, viz.: the Collector of Customs, Protector of Immigrants and Surveyor-General. There are also 9 members nominated by the Governor (of whom at least one-third must be non-officials), and 10 elected members. The franchise qualification is ownership of immovable property worth Rs. 300 annually, or movable property worth Rs. 3,000, or payment of rent of Rs. 25 monthly, or receipt of a salary of at least Rs. 50 per mensem. Members are not paid. They may speak either in French or English.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
or which have been once disallowed by the Crown. Acts altering the constitution must also be reserved.	—
Acts altering the constitution must be reserved for the Royal pleasure.	Governor and Commander-in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Northern Nigeria.	Settled by British traders, *e.g.*, the Royal Niger Co. Administrative rights of the company transferred to the Crown in 1900. Order in Council of 1899 established a Protectorate.	Governor, with no Executive Council. The country is divided into 12 Provinces each under a Resident, with Assistants.	No Legislative Council. The Governor makes laws under the name of "Proclamations.'
Nyasaland Protectorate. (Formerly British Central Africa),	Voluntarily placed under British protection by native chiefs, and Protectorate established in 1891.	Governor and Executive Council consisting of such persons as the Secretary of State may appoint.	Governor and Legislative Council, consisting of not less than 2 persons nominated by the Secretary of State.
St. Helena.	Settled by the East India Company. Brought under the direct administration of the Crown by Act of Parliament of 1834. A Crown Colony.	Governor assisted by an Executive Council of 3 nominated members who are not officials.	No Legislative Council. The Governor alone makes Ordinances.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
No law can alter the constitution of the Protectorate.	Governor and Commander-in-Chief appointed by the Crown.
The administration is regulated by an Order in Council which came into force in October, 1907. The Legislative Council has no power to alter the constitution of the Protectorate.	Governor and Commander-in-Chief appointed by the Crown.
No Ordinance can alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Seychelles Islands (89 in all).	Captured from the French, 1794. A Crown Colony since 1903. Formerly under Mauritius.	Governor and an Executive Council consisting of the Crown Prosecutor, the Treasurer and Collector, and the Auditor (all *ex-officio*).	Legislative Council consisting of the Governor and members of the Executive Council *ex-officio*, and 3 members nominated by the Crown.
Sierra Leone Colony and Protectorate.	Colony ceded or sold by native chiefs from time to time. A Crown Colony. Protectorate established over the Hinterland by a Proclamation of 21st August, 1896.	Governor aided by an Executive Council consisting of the O. C. Troops, the Colonial Secretary, Colonial Treasurer, Attorney-General and Collector of Customs (all *ex-officio*).	Legislative Council, with the Governor as President, consisting of the members of the Executive Council as *ex officio* members (except that the Chief Justice is substituted for the Collector of Customs), the senior District Commissioner as an official but not *ex-officio* member, and 4 unofficial members nominated by the Crown. The Council can legislate for the Protectorate as well as for the Colony.
Somaliland Protectorate.	Protectorate originally established in 1884. Administered as a dependency of Aden till 1898, then transferred to Foreign Office. Transferred to Colonial Office in 1905.	Commissioner and Commander-in-Chief under the orders of the Secretary of State.	None.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
The Legislative Council has no power to alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown.
The government of the Colony is regulated by Letters Patent of 28th November, 1888. The Legislative Council has no power to alter the constitution of the Colony.	Governor, Commander-in-Chief and Vice-Admiral appointed by the Crown.
No order of the Commissioner can alter the constitution of the Protectorate.	Commissioner and Commander-in-Chief appointed by the Crown.

Territories under the South African High Commissioner.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Basutoland.	Recognised as British Territory by Proclamation of 1868. Annexed to Cape Colony by Act of Cape Legislature in 1871. Disannexed by Act of 1883 and taken under direct authority of Crown in 1884.	Resident Commissioner under orders of the High Commissioner, who is the Governor.	The High Commissioner legislates by Proclamation.
Bechuanaland Protectorate.	Protectorate established in 1885. Limits defined by Order in Council of 9th May, 1891.	Resident Commissioner under orders of High Commissioner, who supervises all affairs of the Protectorate.	Ditto
Swaziland.	Formerly the South African Republic administered the country. Order in Council of 1st December, 1906, transferred the government from the Governor of the Trans-	Ditto (appointed under High Commissioner's Proclamation of March, 1907).	Ditto.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
The South African Act contains a schedule laying down the conditions under which these territories are to be governed if they are received into the Union. No Proclamation of the High Commissioner can alter the Constitution.	The High Commissioner appointed by Letters Patent of 1878 represents the Crown in all matters occurring in South Africa beyond the limits of the 4 Provinces now forming the Union.
Ditto.	Ditto.
Ditto.	Ditto.

Territories under the South African High Commissioner (*cont.*).

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Swaziland (*cont.*).	vaal to the High Commissioner. A Protectorate.	——	——
Southern Rhodesia.	Declared to be within the British sphere of influence in 1888. Royal Charter granted to British South Africa Co. on 29th Oct., 1889. Administered by the Company under the protection of H.M. Government.	Administrator appointed by the Company assisted by an Executive Council of not less than 4 persons appointed by the Company, with the approval of the Secretary of State. At present there are 3 members, the Treasurer, Attorney-General, and Secretary for Mines and Commerce. They are appointed for 3 years and are eligible for re-appointment.	Legislative Council with the Administrator as President, 7 nominees of the Company approved by the Secretary of State, and 7 elected members. The Council is elected for 3 years.
North-Eastern Rhodesia.	Administered by British South Africa Company under Royal Charter of 29th October, 1889. Under the protection of H.M. Government.	Administrator appointed by the Company with the consent of the Secretary of State.	No Legislative Council. The Administrator legislates by Regulations.
North-Western Rhodesia [Barotseland.]	Ditto.	Administrator appointed by the High Commissioner on the nomination of the British South Africa Company.	No Legislative Council. The High Commissioner legislates by Proclamation.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
The Constitution is provided for by an Order in Council of 1898, as amended by subsequent Orders of 1903 and 1909. Ordinances only take effect when assented to by the High Commissioner, and may be disallowed by the Secretary of State within a year. The High Commissioner exercises control over important appointments and native affairs. Judges of the High Court are appointed by the Secretary of State on the nomination of the Company.	Resident Commissioner, appointed by the Secretary of State and paid from Imperial funds, represents the High Commissioner and Imperial Government. He sits in both Executive and Legislative Councils, but without a vote.
All Regulations require the assent of the High Commissioner.	The High Commissioner for South Africa.
—	Ditto.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Southern Nigeria Colony and Protectorate.	Mainly ceded by native chiefs. Amalgamated with the Colony of Lagos by Letters Patent of 28th February, 1906. Partly a Crown Colony, partly a Protectorate.	Governor assisted by an Executive Council of officials nominated by the Crown. The whole territory is divided into 3 provinces, one being the old Lagos Colony and Protectorate, and the other two what was formerly known as the Southern Nigeria Protectorate. The whole territory is now styled the Colony and Protectorate of Southern Nigeria.	Legislative Council consisting of the Governor and 9 official members and 6 unofficial members, all nominated by the Crown. The Council can legislate for the Protectorate as well as for the Colony. In the Protectorate there are Native Courts, subordinate to the Supreme Court for the whole Colony and Protectorate. These Native Courts have, subject to the approval of the Governor, power to make rules for the peace, good order, and welfare of the Natives. The Native Courts are presided over by the District Commissioners.
Straits Settlements (including Labuan).	Mainly settled or annexed. Transferred from the control of the Indian Government to that of the Secretary of State by an Order in Council of 1st April, 1867. A Crown Colony.	Governor aided by an Executive Council consisting of:— (1) The General Officer Commanding the Troops. (2) The Colonial Secretary. (3) The Resident Councillor of Penang. (4) The Resident Councillor of Malacca. (5) The Attorney-General. (6) The Colonial Treasurer. (7) The Colonial Engineer. All are *ex-officio* members.	Legislative Council, with the Governor as President, consisting of all the members of the Executive Council and 7 unofficial members, 5 being nominated by the Crown and 2 by the Chambers of Commerce of Singapore and Penang.
Brunei (Straits Settlements).	Control of Foreign Affairs made over to the British Gov-	The Sultan assisted by a native Prime Minister and Second Minister. He is also assisted and advised, by an agreement of 1905,	——

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
The Legislative Council has no power to alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown.
The Legislative Council has no power to alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown, who is also High Commissioner for the protected Malay States and Brunei, and British Agent for North Borneo and Sarawak.
—	The Governor of the Straits Settlements is the High Commissioner.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Brunei (Straits Settlements) (*cont.*)	ernment by the Sultan in 1888. A Protectorate.	by a British Resident subordinate to the High Commissioner.	——
Federated Malay States (Perak, Selangor, Pahang, and Negri Sembilan) (Straits Settlements).	Control of foreign relations handed over by Native rulers to the British Government. Treaty of Federation between the 4 States signed in 1895. The Administration of each State is on the pattern of a Crown Colony.	Resident-General of the Malay States, to whom the British Residents for the 4 States are subordinate. These Residents are appointed by the Secretary of State and are assisted by a staff of European officers, but their function is technically to assist the State Council of each State, in which the supreme power is vested. The State Council consists of the highest Native Chiefs presided over by the Sultan or Ruler. In all States except Pahang there are also Chinese and non-official European members.	A Federal Council was constituted by an agreement of 1909 "for the joint arrangement of all matters of common interest to the Federation or affecting more than one State, and for the proper enactment of all laws intended to have force throughout the Federation or in more than one State." The Council consists of the High Commissioner as President, the Resident-General, the 4 Native Rulers of the States, the 4 British Residents, and 4 unofficial members nominated by the High Commissioner with the approval of the King. Provision is made for the addition, if necessary, of the heads of one or more public departments and a corresponding number of non-officials. The Council is to meet once a year at least and consider drafts of laws which are to apply to more than one State and the annual estimates of the revenue and expenditure of the 4 States.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
—	The Resident-General is the means of communication between the States and the High Commissioner (the Governor of the Straits Settlements).

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Malay States not included in the Federation. Johore, Kedah, Perlis, Kelantan, and Trengganu. (Straits Settlements.)	Included in British sphere of influence as Protectorates. Johore has placed her foreign relations under British Government's control. In the case of the other 4 States Siam ceded her suzerain rights to Britain by the Treaty of Bangkok (1909).	*Johore.* — The Sultan assisted by a British Adviser. *Kedah.*—Ditto. *Perlis.*—Rajah and a British adviser. *Kelantan.*—Ditto. *Trengganu.* — Sultan and a British Agent.	——
Trinidad and Tobago.	Trinidad captured from the Spanish in 1797 and formally ceded by Treaty of Amiens 1802. Tobago captured from the French in 1803 and finally ceded to Great Britain in 1814. Tobago was amalgamated with Trinidad by	Governor and Executive Council of 4 officials, viz.: —Colonial Secretary, Attorney-General, Auditor-General, and Director of Public Works.	The Legislative Council of Trinidad and Tobago consists of the Governor as President and the following officials: Colonial Secretary, Auditor General, Attorney General, Solicitor General, Inspector General of Constabulary, Director of Public Works, Surgeon-General, Protector of Immigrants, Receiver-General and Collector of Customs. It also includes such other persons (unofficial members) as the Governor may appoint. They hold their seats for 5 years and are at present 11 in number. One unofficial member is a resident of Tobago.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	The Governor of the Straits Settlements is H.M. High Commissioner for all Protected States in the Malay Peninsula.
The Legislative Council cannot alter the constitution of the Colony.	Governor and Commander-in-Chief appointed by the Crown.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Trinidad and Tobago (*cont.*).	Order in Council of 1st January, 1889, and made a Ward of the United Colony of Trinidad and Tobago by Proclamation of 1st January 1899. A Crown Colony.	—	—
Uganda Protectorate.	British Protectorate proclaimed June 19th, 1894, in succession to a brief period of administration by the Imperial British East Africa Company. Sphere of Protectorate extended by various Treaties after 1894.	Governor and Commander-in-Chief. The Protectorate is divided into 5 Provinces, one of which is known as the Uganda Kingdom. It is ruled by a native chief known as a "Kabuka," who is assisted by a native Assembly, the "Lukiko." In the other provinces the native chiefs are encouraged to conduct the government of their own subjects and their position, emoluments and rights are usually settled by Treaty. But there is a general superintendence exercised over the whole Protectorate by British Commissioners and Assistant Commissioners.	There is no Legislative Council, but the Governor is empowered to make Ordinances for the administration of justice, the raising of revenue and other purposes.
Weihai-wei.	Leased to Great Britain by China by a Convention of	The Commissioner. There is no Executive Council. The village communities are administered through their headmen in	There is no Legislative Council. Under the Weihaiwai Order in Council of 24th July, 1901, the Commissioner can make Ordin-

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
No Ordinance can alter the constitution of the Protectorate.	Governor and Commander-in-Chief appointed by the Crown.
No Ordinance can alter the constitution of the Colony.	Commissioner appointed under H.M. Sign Manual.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Weihai-wei (*cont.*).	1st July, 1898, "to provide a suitable naval harbour in North China, and for the better protection of British commerce in the neighbouring seas." Placed under control of Colonial Office in 1901. A Crown Colony.	accordance with Chinese custom.	ances for the administration of the territory subject to the approval of the Secretary of State.
Western Pacific High Commission.	Includes the following groups of Islands over which a British Protectorate has been established: (1) The Friendly Islands. (2) The Ellice and Gilbert Groups. (4) British Solomon Islands. (5) Santa Cruz Islnds. It also includes Ocean Island (an-	The Protected Groups are under the rule of their native Chiefs or Kings, usually assisted by a native council or parliament, and by a British Resident or Deputy Commissioner. Ocean Island is under the Deputy Commissioner of the Gilbert and Ellice Protectorate. Pitcairn Island is administered by a Chief Magistrate, and in the New Hebrides there are British and French Resident Commissioners. All British officials are subordinate to the High Commissioner. The latter has certain special powers for the deportation of persons whose proceedings endanger the peace of the islands.	There is no Legislative Council. Legislation is by Order of the King in Council. (NOTE.—The functions of the High Commission are chiefly judicial. The High Commissioner's Court consists of the High Commissioner, the Judicial Commissioners, and the Deputy Commissioners, and in it is vested all H.M.'s civil and criminal jurisdiction exercisable in the Western Pacific Islands. The Judicial Commissioners are the Chief Justice and Judges of the Supreme Court of Fiji *ex-officio*. If the attendance of a Judge is impracticable, the High Commissioner may appoint a Judicial Commissioner

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
No island oı group of islands possesses the power to alter its Constitution.	The Governor of Fiji is High Commissioner, an office created by Order in Council. Its expenses are met from Imperial funds.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Western Pacific High Commission (*cont.*).	nexed), Pitcairn Island (a British Colony by Settlement), and the New Hebrides (under joint British and French Protection.)	——	for a particular purpose or time. Deputy Commissioners are appointed by the High Commissioner on behalf of the King. Certain officers in command of H.M.'s ships of war have been appointed Deputy Commissioners. The jurisdictions of the Court of a Judicial Commissioner and of a Deputy Commissioner are strictly defined. With some exceptions an appeal against a decision of the High Commissioner's Court lies to the Supreme Court of Fiji.)
The Windward Islands.	Federal Union for certain purposes constituted by Letters Patent of 17th March, 1885.	The Governor. There is no common Executive Council, the islands being only united for certain purposes, *e.g.* there is a Common Court of Appeal, a common audit system and a common lunatic asylum. The Headquarters of Government is at Grenada.	There is no common legislature, nor common laws, revenue or tariff.
Grenada (Windward Islands.)	Ceded to Great Britain by France by the Treaty of Versailles, 1783. A Crown Colony.	Executive Council, consisting of the officer administering the Government. (The Governor of the Windward Islands), the Colonial Secretary, Attorney-General and Treasurer. There are also 2 unofficial members.	Legislative Council consisting of the Officer administering the Government (the Governor) and 6 officials and 7 unofficial members nominated by the Crown. The 6 officials include the 3 official members of the Executive Council *ex-officio*, the Chief of Police, the Medical Officer and the Registrar of the Supreme Court. The unofficial members hold their seats for 6 years and include the 2 unofficial members of the Executive Council.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
—	Governor and Commander-in-Chief appointed by the Crown. He usually resides at St. George's in Grenada.
The Council has no power to vary the constitution of the Colony. It is doubtful whether the King in Council has power to legislate.	The Governor of the Windward Islands.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
St. Lucia (Windward Islands).	Captured from the French 1803. A Crown Colony.	An Administrator, who is subordinate to the Governor of the Windward Islands, aided by an Executive Council consisting at present of the Attorney-General, the Treasurer and the Chief of Police. The Administrator is also Colonial Secretary.	The Administrator and a Legislative Council composed as the King may direct. It consists at present of the members of the Executive Council and 2 other officials, the Registrar of the Royal Court and Colonial Engineer.
St. Vincent (Windward Islands).	Ceded by the Treaty of Versailles, 1783. A Crown Colony.	An Executive Council, consisting of the Officer administering the Government (who is either the Governor of the Windward Islands or in his absence the Administrator), the Administrator, the Attorney-General and 2 other officials (the Chief Justice and Lands Commissioner). The Administrator is also Colonial Secretary and Treasurer.	Legislative Council consisting of the members of the Executive Council and 3 unofficial members nominated by the Crown. The Governor presides, or, in his absence, the Administrator.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
The Council has no power to vary the Constitution of the Colony. It is doubtful if the King in Council has power to legislate.	The Administrator through the Governor of the Windward Islands.
The King in Council retains the power to legislate. The Council has no power to alter the Constitution of the Colony.	The Administrator through the Governor of the Windward Islands.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
The State of North Borneo.	Ceded by the Sultans of Brunei and Sulu to the British North Borneo Company, whose rights were confirmed by Royal Charter in 1881. An independent State under the protection of H.M.'s Government since 1888.	A Court of Directors of the British North Borneo Company, London, administer the county through a Governor and Civil Service appointed by them.	The Court of Directors.
Sarawak.	Ceded to Rajah Brooke and his successors by the native rulers. An independent State under the protection of H.M.'s Government by agreement of 14th June, 1888.	The Rajah of Sarawak, who administers the government through the Rajah Muda (Heir-Apparent) at present. The latter is aided by the Supreme Council.	The Supreme Council with the Rajah as President, consisting of the Rajah Muda, the Resident of the 1st Division, the Recorder, and 5 native members, of whom 4 are officials of the administration.
Rhodesia.	See under the South African High Commissioner (p. 76).		

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
H.M. Government may appoint Consular officers who will conduct all foreign relations, but does not interfere in internal administration. The appointment of Governor is subject to the approval of the Secretary of State.	The Governor of the Straits Settlements is the Agent for H.M. Government.
H.M. Government has undertaken not to interfere with the internal administration of the State, but is to determine any questions that arise as to the succession, to control the foreign relations, and to have the right to establish Consular officers in the territory. British subjects are to have the most favoured nation treatment, and no part of the territory is to be alienated without the consent of H.M. Government.	The Governor of the Straits Settlements is the Agent for H.M. Government.

(E) THE ADMINISTRATIVE SYSTEM OF INDIA

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Indian Empire.	Territorial sovereignty in India was acquired mainly by conquest, partly by cession from Native rulers, by the East India Company up to the year 1858, afterwards by the Crown, when, as a consequence of the mutiny of 1857 the government was taken over by the Crown. India is a Dependency of Great Britain and is governed in the name of the King, one of whose titles is Emperor of India. Its government is a Bureaucracy, with a modifying representative element in the central and local Legislatures, but not in the Executive, and it	Governor-General, who is also Viceroy, or representative of the King, and usually holds office for 5 years. An Executive Council of 6 ordinary members, besides the Commander-in-Chief who in practice is always made an extraordinary member. Ordinary members are appointed by the Crown, in practice for 5 years. Three of them must have been at least 10 years in the service of the Crown in India, and one must be a barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, of not less than 5 years' standing. Ordinarily the opinion of the majority of the Council prevails, but the Governor-General may overrule his Council in exceptional circumstances. When the votes are equally divided, the Governor-General has a casting vote. When the Governor-General visits any part of India without his Council, the Governor-General in Council can appoint an ordinary member of the Council to be President of it, and in such a case can also authorize the Governor-General to exercise alone all the powers of the Governor-General in Council. The Executive work of the Government is dealt with by Departments similar to the Departments of the Central Government	*Ex-officio*— The 6 ordinary members of the Governor-General's Council, the Commander-in-Chief and the Lieutenant-Governor of the Province in which the Council sits ... ... 8 *Additional*— (1) *Nominated* members, of whom not more than 28 must be officials,[1] and of whom 3, being non-officials, shall be respectively selected from the landholders of the Punjab,[2] the Muhammedans of the Punjab, and the Indian Commercial Community ... ... 35 (2) Elected members, elected by (*a*) The unofficial members of Provincial Legislative Councils; and the District Councils and Municipal Committees in the Central Provinces[3] ... 12 Carried forward 55

[1] Eight of these are officials representing provinces.

[2] In the 2nd, 4th, and succeeding alternate elections, 2 of the nominated seats will be transferred to the elective list, and will be filled by special electorates consisting of Muhammedan landholders in Eastern Bengal and Assam, and in the United Provinces respectively.

[3] These elections are made by the unofficial members of the Councils.

Restrictions or reservations in respect of administrative or legislative powers.

Any matter of general public interest may be discussed by the Council subject to the following restrictions.

The Gov.-General in Legislative Council cannot make any law repealing or affecting:

(*a*) Any Act of Parliament since 1860 and certain specified portions of earlier Acts.

(*b*) Any Act enabling the Secretary of State in Council to raise money in the United Kingdom for the Government of India.

(*c*) The Army Act or any Act amending the same,

and cannot make any law affecting the authority of Parliament or any part of the unwritten laws or constitution of the United Kingdom, whereon may depend the allegiance of any person to the Crown, or affecting the sovereignty or dominion of the Crown over any part of British India: and cannot, without the previous approval of the Secretary of State in Council, make any law empowering any Court other than a High Court to sentence to death any of His Majesty's natural born subjects born in Europe or the children of such subjects, or abolishing any High Court.

Any question may be asked by any member, except on

(*a*) Any matter affecting the relations of His Majesty's Government or of the Governor-General in Council with any Foreign State or with any Native State in India, or

(*b*) Any matter under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

And any question (*a*) must be so framed as to be merely a request for information.

(*b*) Must not be of excessive length.

(*c*) Must not contain arguments, inferences, ironical expressions, or defamatory statements, nor refer to the

Official intermediary between national and Imperial Governments.

Governor-General in Executive Council. Every dispatch from the Secretary of State is circulated among all the members of the Council, and every dispatch to the Secretary of State is signed by every member of the Council who is present at headquarters as well as by the Governor-General, unless he is absent. If any member of the Council dissents from any dispatch, he may append a minute of dissent.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Indian Empire (*cont.*)	is subject to the control of the Crown through the Secretary of State in Council and of Parliament. The members of the Secretary of State's Council are appointed by the Secretary of State for 7 years, with a possibility of a 5 years' extension. The Council, originally of 15, is now, under an Act of 1907, to consist of such number of members, not less than 10 and not more than 14, as the Secretary of State may from time to time determine. At least 9 of the Council must have lived in British India for at least 10 years, and left it not more than 5 years before time of appointment. A member of the Council cannot sit in Parliament. The Secretary of State is	in England. These are at present: Finance, Foreign, Home,* Legislative, Revenue and Agriculture, Public Works, Commerce and Industry, Army, and Education. At the head of each is one of the permanent secretaries to the Government of India, and each of them, except the Foreign Department, which is under the superintendence of the Viceroy, is assigned to the special care of one of the members of Council. The Commander-in-Chief, subject of course to the Governor-General in Council, has the supreme control of the Army Department. There are, besides, other departments distinct from these departments of the Secretariat, but attached to one of them. These departments either manage branches of the public service which the Central Government keeps in its own hands or supervise branches, which are administered by the Provincial Governments. The Directors-General of the Post-Office, and of the Telegraph Department, the Surveyor-General, the Railway Board are at the head of Centrally administered departments; while Forests, Agriculture, Education, and the Indian Medical Service are administered by the Provincial Governments, but centrally supervised. In the transaction of	Brought forward 55 (*b*) The landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces ... ... 6 (*c*) The Muhammedans of Madras, Bombay, Bengal, Eastern Bengal and Assam, and the United Provinces 5 (*d*) The Chambers of Commerce, Calcutta and Bombay ... ... 2 Total ... ... 68 or with the Governor-General ... 69 There must be an official majority in the Council. No person is eligible for election if declared by the Governor-General in Council to be of such reputation and antecedents that his election would, in their opinion, be contrary to the public interest. Every person elected or nominated must take an oath or affirmation of allegiance to the Crown. The ordinary term of office of elected or nominated members is 3 years. Official members and members nominated as being persons who possess expert knowledge of subjects bearing on proposed legislation hold office for three years or such shorter period as the Governor-General may at the time of nomination determine. The effect of

* The business of the Legislative Department is to draft Bills and rules having the force of law, and to give legal opinions chiefly on constitutional points to the Government.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.

conduct or character of persons except in their official or public capacity.

(*d*) Must not ask for an expression of opinion or the solution of a hypothetical proposition.

In matters which are or have been the subject of controversy between the Governor-General in Council and the Secretary of State or a Provincial Government, no question shall be asked except as to matters of fact. The President may disallow any question without giving any reason therefor other than that in his opinion it cannot be answered consistently with the public interest or that it should be put in the Legislative Council of a Provincial Government.

Discussions on matters of general public interest must be raised by resolution, and the rules regulating the form of the resolutions are, in the main, the same as those for the discussion of resolutions on the Financial statement except that the range of discussion is wider and amendments are allowed. The only subjects specifically excluded are (1) Matters for which the Council cannot legislate, (2) Matters relating to Foreign and Native States, (3) Matters under adjudication by a court of Law.

The President has also the same discretionary power of disallowing resolutions as he has in the case of resolutions on the Financial Statement.

Except with the sanction of the Governor-General, no measure may be introduced affecting:

(*a*) The public debt or public revenues of India, or imposing any charge on the revenues of India.

(*b*) The religion or religious rites and usages of any class of His Majesty's subjects in India.

(*c*) The discipline or maintenance of

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Indian Empire (*cont.*)	President of the Council and is bound to submit to it every order he proposes to make or to deposit the proposed order in the Council Chamber for 7 days previous to a meeting. Orders regarding peace and war, or negotiations with any prince or State are excepted, if the Secretary of State considers absolute secrecy essential. In certain matters, *e.g.*, the disposal of Indian revenues, the orders of the Secretary of State must be backed by a majority of the votes at a meeting of the Council, but in other matters he can overrule the Council.	business ordinary matters are settled departmentally. Questions of grave importance, and questions involving a difference of opinion between two departments, are settled in Council.	these regulations, which are substantially the same for the Provincial Legislative Councils, is that for the elected members there is a general election every 3 years. The Governor-General in Legislative Council has power to make laws: (*a*) For all persons, courts, places, and things within British India. (*b*) For all British subjects of His Majesty and servants of the Government of India within other parts of India. (*c*) For all persons being native Indian subjects of His Majesty, or native Indian officers, soldiers, or followers in His Majesty's Indian forces, when in any part of the world whether within or without His Majesty's dominions. (*d*) For all persons employed or serving in or belonging to His Majesty's Indian Marine service. Besides the ordinary mode of legislating in the Legislative Council, the Governor-General has also power, by means of "regulations," to legislate summarily for certain backward districts of India, which are defined by the Secretary of State, and are "scheduled" districts within the meaning of certain Acts of the Indian Legislature. The Governor-General has also power, in emergencies, to make temporary

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.

any part of His Majesty's military or naval forces.

(*d*) The relations of the Government with foreign princes or States.

The assent of the Governor-General is necessary before any Act passed may become law, or the Governor-General may reserve the Act for the signification of His Majesty's pleasure thereon through the Secretary of State in Council. Also the King may disallow any Act through the Secretary of State in Council.

The discussion of the Annual Financial Statement is subject to certain rules. Besides the 3 classes of subjects, mentioned above as being specifically barred from discussion, every resolution in reference to the Annual Financial Statement must comply with the following conditions:

(*a*) It shall be in the form of a specific recommendation addressed to the Governor-General in Council.

(*b*) It shall be clearly and precisely expressed and shall raise a definite issue.

(*c*) It shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct or character of persons, except in their official or public capacity.

(*d*) It shall not challenge the accuracy of the figures of the Financial Statement.

(*e*) It shall be directly relevant to some entry in the Financial Statement.

The importance of this discussion is that it may extend over several days and takes place before the Budget is finally settled, and that members may propose resolutions and divide the Council upon them. On or before March 24th each year the Budget is presented to the Council by the Finance Member who describes the changes that have been made in the Financial

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Indian Empire (*cont.*)	The Council is thus in the main an advisory body with a limited power of veto. Even in matters of expenditure, it would be difficult for the Council to continue to resist the Secretary of State, when he is the mouthpiece of the Cabinet. All Indian revenues must be exclusively applied for the purposes of the Government of India, and no appropriation of them can be made except by a majority of votes at a meeting of the Secretary of State's Council. Except in case of invasion of His Majesty's Indian possessions, or other urgent necessity, Indian rev-	——	ordinances, which may not be in force for more than 6 months. Certain legislative powers are also exercised by the Governor-General with respect to Native States.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
Statement, and explains why any resolutions passed at the discussion of the Financial Statement have not been accepted. When on a later day the Budget is discussed in the Legislative Council any member may make any observations he may wish on the Budget, but he may not move any resolutions nor may the Budget be put to the vote.	——

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Indian Empire (*cont.*)	enues cannot, without the consent of Parliament, be expended on any military operation carried on beyond the frontiers of those possessions by His Majesty's forces charged upon those revenues.	—	—
Madras	Subordinate Local Government. Madras and Bombay, for reasons mainly historical, are less subject to the control of the Government of India than are the other Local Governments. They have Governors, not Lieutenant-Governors, who are usually sent out from England and are appointed	Governor and Executive Council of such number of ordinary members, not exceeding four, as the Secretary of State directs. Two of the ordinary members of the Executive Council must have been at least 12 years in the service of the Crown in India at the time of appointment. They, as well as the Governor, are appointed by the Crown, in practice for five years. The Governor has the same power as the Governor-General of overruling his Council in emergency, though ordinarily he is bound by the opinion of the majority. If the votes are equally divided the Governor has a casting vote.	Legislative Council consisting of:— *Ex-officio*— Members of Executive Council ... ... 3 Advocate-General ... 1 *Additional*— Nominated members, of whom not more than sixteen are to be officials and one is to be a representative of Indian Commerce ... 23 Nominated experts who may be officials or non-officials .... 2 Elected members, elected by— (*a*) The Corporation of Madras ... 1 (*b*) Municipalities and district boards 8 (*c*) The University ... ... 1 (*d*) The landholders 4

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
A Local Government is bound to obey the orders of the Governor-General in Council, and to keep him constantly informed of its proceedings, and is under his supervision and authority in the provincial administration. No Local Government may make war or conclude a treaty with any Indian Prince or State (except in cases of sudden emergency) except by the express order of the Governor-General in Council or the Secretary of State. The authority of a Local Government is not superseded by the fact of the Governor-General being within the province. The Legislature of a Local Government may with the previous sanction of the Governor-General repeal or amend as to that province any law or regulation made by any authority in India other than that Local Legislature. The purpose of this permission is to enable local legislatures to repeal or alter laws made by the Governor-General in Council, which it may be desirable to repeal or alter. A Local Legislature may not, without the	The Governor in Council has the right of communicating directly with the Secretary of State. In practice despatches are sent direct or through the Governor - General in Council, according to the nature of the business involved. The latter method is adopted in the discussion of matters which require to be dealt with on uniform lines throughout British India.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Madras (*cont.*)	by the Crown, not by the Governor - General. Their Governors are also assisted by an Executive Council, and may communicate directly with the Secretary of State.	—	(*e*) The planting community ... 1 (*f*) Muhammadans ... ... 2 (*g*) The Madras Chamber of Commerce ... .. 1 (*h*) The Madras Trades Association 1 19 29 Total ... ... 48 or, including the Governor ... ... 49 There must be a non-official majority in the Council.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
sanction of the Governor-General, make or consider any law (*a*) Affecting the public debt of India, the customs duties, or any other tax or duty imposed by the Governor-General in Council. (*b*) Regulating coin or the issue of paper currency. (*c*) Regulating the Postal or Telegraph arrangements. (*d*) Altering the Indian Penal Code. (*e*) Affecting religion. (*f*) Affecting His Majesty's Naval or Military Forces. (*g*) Regulating patents or copyright. (*h*) Affecting the relations of the Government with foreign princes or States. (*i*) Affecting any Act of Parliament. The Governor-General in Council has concurrent power to legislate for a province under a local legislature. In practice, however, this power is not, except in very extraordinary circumstances, used as to matters within the competence of the Local Legislature. No member may introduce, without the previous sanction of the Governor or Lieutenant-Governor, any measure affecting the revenue of the province. Any Act passed requires the assent of the Governor or Lieutenant-Governor and also of the Governor-General; or the Crown, through the Secretary of State, may disallow it. No precise boundary line is drawn between the subjects to be dealt with by the Local and Central Legislatures. In practice, however, the Governor-General's Council confines itself to legislation which is either for provinces with no local legislature or beyond the powers of a local legislature, or requiring to be dealt with on uniform principles throughout British India. The rules for the discussion of the Annual Financial Statement and Budget, and of matters of general public	——

Territory.	Status and nature of Constitution.	Executive.	Legislature:
Madras (*cont.*)	——	——	——
Bombay	Same as Madras.	Same as Madras.	Legislative Council consisting of: *Ex-officio*— Members of the Executive Council ... ... 3 Advocate-General ... 1 *Additional*— Nominated members, of whom not more than 14 are to be officials 21 Nominated experts who may be either officials or non-officials 2 Elected members, elected by: (*a*) The Corporation of Bombay ... 1 (*b*) Municipalities ... 4 (*c*) District Boards 4 (*d*) The University 1 (*e*) The landholders 3 (*f*) Muhammedans 4 (*g*) Bombay Chamber of Commerce 1 (*h*) Karachi Chamber of Commerce 1 (*i*) The Millowners' Association of Bombay and Ahmadabad ... 1 (*j*) The Indian Commercial Community ... ... 1 — 21 Total ... 48 or, including the Governor ... 49 There must be a non-official majority in the Council.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
interest and the asking of questions, are framed on similar lines as the corresponding rules for the Governor-General's Council, the substance of which is given in the fifth column relating to the Government of India.	—
Same as Madras.	Same as Madras

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Bengal	Subordinate Local Government	*Executive*— Lieutenant-Governor, who must have been at least 10 years in the service of the Crown in India, and Executive Council of such number of ordinary members not exceeding four as the Secretary of State directs; all appointed by the Governor-General with the approval of the Crown. The term of office is in practice 5 years.	Legislative Council, consisting of: *Ex-officio*— Members of the Executive Council ... ... 3 *Additional*— Nominated members, not more than 17 to be officials, and one to be a representative of the planting community and one of Indian commerce ... ... 22 Nominated experts, who may be either officials or non-officials 2 Elected members, elected by: (*a*) The Corporation of Calcutta ... 1 (*b*) Municipalities 6 (*c*) District Boards 6 (*d*) The University 1 (*e*) The landholders ... ... 5 (*f*) Muhammadans ... ... 4 (*g*) The Bengal Chamber of Commerce ... ... 2 (*h*) The Calcutta Trades Association 1 — 26 Total ... ... 53 Or, including the Lieutenant - Governor 54 There must be a non-official majority in the Council.
Eastern Bengal and Assam.	Subordinate Local Government	Same as United Provinces (*infra*).	Legislative Council consisting of: Nominated members, not more than seventeen to be officials, and one to be a representative of Indian commerce ... 22

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
Same as Madras	Governor-General in Council.
Same as Madras.	Governor-General in Council.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Eastern Bengal and Assam (*cont.*)	—	—	Brought forward ... 22 Nominated experts, who may be either officials or non-officials 2 Elected members, elected by— (*a*) Municipalities 3 (*b*) District and Local Boards ... 5 (*c*) The Landholders ... ... 2 (*d*) Muhammadans ... ... 4 (*e*) The Tea Interest ... ... 2 (*f*) The Jute Interest ... ... 1 (*g*) The Commissioners of the Port of Chittagong ... 1 18 18 Total ... 42 Or, including the Lieutenant - Governor 43 There must be a non-official majority in the Council.

NOTE.—Feb., 1912. Since going to press the following changes have been made with regard to Bengal, Eastern Bengal, and Assam : It was announced by the King-Emperor in the Durbar held at Delhi, 1911, that the present Lieutenant-Governorships of Bengal and of E. Bengal and Assam would be split up into three provincial administrations—A Governorship in Council of Bengal, a Lieutenant-Governorship in Council of Behar, Chota Nagpur, and Orissa, and a Chief Commissionership of Assam; and it is understood that the Bill to be laid before Parliament to give effect to these changes will include a provision for giving a Legislative Council to Assam, and also to the Chief Commissionership of the Central Provinces. It is impossible for the present to give the details of the composition of the new Executive and Legislative Councils, but it may be presumed that the constitution of the new

United Provinces	Subordinate Local Government.	Lieutenant-Governor,* who must have been, at the time of appointment, at least ten years in the service of the Crown in India appointed by the Governor-General, subject to the	Legislative Council consisting of: Nominated members; not more than twenty to be officials, and one to be a representative of Indian commerce ... 26

* Under the Indian Councils Act, 1909, the Governor-General in Council, with the approval of the Secretary of State in Council, may by a proclamation create an Executive Council for any Lieutenant-Governorship, provided that, before such proclamation be made, a draft of it shall be laid before each House of Parliament for not less than 60 days during the

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
	—

Governorship of Bengal will follow closely that of the old Governorships of Madras and Bombay, and that the new Lieutenant-Governorship and the new Chief Commissionership will be constituted similarly to the other Lieutenant-Governorships and Chief Commissionerships, with the exception that the new Lieutenant-Governorship is to be given an Executive Council, which none of the other Lieutenant-Governorships—except the present Lieutenant-Governorship of Bengal, now being abolished—has as yet got; and that the new Chief Commissionership of Assam is to have a Legislative Council, which up to the present has never been given to a Chief Commissionership. The new Legislative Councils will presumably be constituted on similar lines to the Legislative Councils of the other provinces.

Same as Madras	Governor-General in Council.

Session of Parliament, and if before the expiration of that time an address is presented to His Majesty by either House of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
United Provinces (*cont.*)	——	approval of the Crown, in practice for five years.	Brought forward ... 26 Nominated experts, who may be officials or non-officials ... ... 2 Elected members, elected by: (*a*) Large municipalities in rotation 4 (*b*) District Boards and smaller Municipalities ... ... 8 (*c*) Allahabad University ... ... 1 (*d*) The landholders 2 (*e*) Muhammadans 4 (*f*) The Upper India Chamber of Commerce ... ... 1 — 20 Total 48 or, including the Lieutenant-Governor 49 There must be a non-official majority in the Council.
Punjab	Subordinate Local Government	Same as United Provinces.	Legislative Council, consisting of— Nominated members, not more than ten to be officials ... ... 19 Nominated experts, who may be either officials or non-officials 2 Elected members, elected by: (*a*) The Punjab Chamber of Commerce ... ... 1 (*b*) The Punjab University ... ... 1 (*c*) Municipal and Cantonment Committees ... 3—5 Total 26 Or, including the Lieutenant-Governor 27

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
Same as Madras.	Governor-General in Council.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Punjab (*cont.*)	——	——	There must be a non-official majority in the Council.
Burma	Subordinate Local Government	Same as United Provinces.	Legislative Council, consisting of: Nominated officials 6 Nominated non-officials: (*a*) To represent the Burmese population ... 4 (*b*) To represent the Indian and Chinese communities ... ... 2 (*c*) To represent other interests ... 2 Nominated experts, who may be either officials or non-officials 2 Elected by the Burma Chamber of Commerce .. ... 1 Total ... ... 17 Or, including the Lieutenant - Governor 18 There must be a non-official majority in the Council.
The Central Provinces	Subordinate Local Government	Chief-Commissioner, who administers the territory on behalf of the Governor-General in Council, under whose immediate management and control it legally remains.	The Legislative Council of the Governor-General legislates for a Chief-Commissionership.*

Aymere-Merwara.
Coorg.
British Baluchistan.
The North-West Frontier Province.
The Andaman Islands.
} Same as Central Provinces.

* Feb., 1912.—Since going to press, it is understood that the Bill to be shortly brought before Parliament to carry into effect the changes announced by the King in the Durbar of 1911, will include a provision giving a Legislative Council to the Central Provinces, as well as to the

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
—	—
Same as Madras.	Governor-General in Council.
Same as Madras, except that, as a Chief-Commissionership has no Legislative Council, part of it is not applicable.	Governor-General in Council.

new Chief Commissionership of Assam; but there is no question of giving Legislative Councils to the other Chief Commissionerships.

THE NATIVE STATES.

THERE are more than 600 Native States, with a total area of nearly 700,000 square miles, a population of 62,500,000, and a revenue of 200,000,000 rupees. They vary very greatly in size, from the territory of the Nizam of Hyderabad of 83,000 square miles, with a population of 11,000,000, to a few acres of ground held by a Kathiawar chief. Also the amount of British control varies very considerably. The Nizam of Hyderabad coins money, levies taxes, and inflicts capital punishment without appeal, while a Kathiawar chieftain is exempt from British taxation, and enjoys some shadow of judicial authority.

In every case the British Government

(1) Exercises exclusive control over the foreign relations of a Native State.

(2) Assumes a general, but limited, responsibility for its internal peace.

(3) Assumes a special responsibility for the safety and welfare of British subjects residing in the State.

(4) Requires subordinate co-operation in resisting foreign aggression and maintaining internal peace.

The British Government being the sole channel of diplomatic international communication between Native States and the outside world, is responsible for the protection of the subjects of Native States when outside the limits of those States, and of the subjects of foreign Powers when within those States, and, as a consequence, the British Government exercises control over each of these classes of protected persons.

The British Government has acknowledged its responsibility for, and asserted its control over, subjects of Native States resorting to foreign countries by the Orders in Council made for regulating British jurisdiction in Zanzibar, Muscat, and elsewhere. The Foreign Jurisdiction Act declares that when any Order in Council made in pursuance of the Act extends to persons enjoying His Majesty's protection, that expression is to include all subjects of Native Indian States. The guarantee to a native ruler against dethronement by insurrection involves a guarantee to his subjects against extreme misgovernment.

For each Native State there is a British political officer, and in each of the more important States a resident political officer, and a staff of subordinates. Detachments of British troops occupy cantonments in all the more important military positions.

Several Native States maintain a body of troops sufficiently efficient to take the field by the side of British troops. They amount in all to about 17,500. The officers and men are natives mainly of the State, but they are inspected and advised by British officers.

PROVINCIAL ADMINISTRATIVE MACHINERY.

Besides its head, Governor, Lieutenant-Governor, or Chief-Commissioner, every Local Government has its headquarters, secretariat, and also special departments, such as police, excise, education, hospitals, public works for the control of matters which are under provincial management. Every province is divided into districts, the district being the most important administrative unit. The size of it varies considerably in different provinces, and also in the same province. In the United Provinces the district has an average area of from 1,500 to 2,000 square miles, with a population of 750,000 to 1,500,000. At the head of the district is the district magistrate, who is styled the collector, or, in other provinces, deputy-commissioner, and occupies a position similar to that of the French préfet. He may be assisted in the administration of his district by a more junior member of the Indian Civil Service, or, if the district is a particularly large one, by more than one. The superior officers, not only of the Indian Civil Service, but of the Indian Medical, Police, and Public Works services, are recruited in England by open competition, and besides these superior services there are the provincial and the subordinate services, recruited in India, and consisting almost entirely of natives, who fill most of the subordinate posts. In most provinces, though not in Madras, districts are grouped into divisions, each in charge of a commissioner, who stands between the district magistrate and the provincial government.

There are also Municipal Councils and District Boards, which possess limited powers of local taxation and administration.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Egypt	Egypt is a tributary State of the Turkish Empire and is ruled by an hereditary prince with the title of Khedive, succession to the throne being by primogeniture. The present relations between the Sultan and the Khedive are laid down in a variety of Firmans dating from 1841 to 1892. By these the civil and financial control is confided (subject to the payment of £682,000 a year) to the Khedive with the following restrictions:— (1) All Egyptians are Ottoman subjects. (2) The Khedive has no right to make	The Khedive is an hereditary Prince who appoints a council of Ministers, one of whom acts as Prime Minister. The Ministries are those of the interior, of finance, public works, justice, war, foreign affairs, and public instruction. In each of these are prepared the draft of decrees, which are then submitted to the council of Ministers for approval, and on being signed by the Khedive become law. To the Ministers is added a British financial adviser who attends all meetings of the Council, but has no vote, though no decision involving expenditure can be taken without his consent. He is the most important British official in Egypt. He advises on all important financial matters without unduly encroaching upon the prerogative of the finance ministry. The Under-Secretary of State for Finance is the chief English executive officer of the Finance Ministry and performs the duties of the financial adviser when the latter is away. The full title of England's representative is "Minister Plenipotentiary and Consul General." Formally only one of more than a dozen consul generals, and possessing no higher attribute and authority than any of his colleagues, he is in reality the ruler of the country as the exponent of the	*Legislative Council.* (a) 14 members including the President are named by the Egyptian Government ... ... 14 (b) 14 are elected by the provincial councils from among their own number... ... 14 (c) Cairo and Alexandria send 1 member each ... ... 2 — Numbers in Legislative Council ... 30 Meets annually. It cannot initiate legislation, but no law can be promulgated without first being submitted to the Legislative Council, but the Government need not adopt their suggestions, though they must supply reasons for failing to do so. This applies also to the Budget, though there is a further restriction on the Council in that it is not permitted to discuss a financial change which results from an international agreement. The Egyptian Ministers may take part in the discussions of the Council. *General Assembly.* (a) The 6 Ministers 6 (b) The 30 members of the Legislative Council ... ... 30 (c) 46 delegates elected by the population ... ... 46 — Total members of General Assembly ... 82

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.
Before the Anglo-French agreement of 1904 the Egyptian Government was forbidden (*a*) To raise a loan without the consent of the Porte. (*b*) To levy taxes on foreigners without the consent of their respective governments. (All taxes paid by natives and not by foreigners have now been abolished.) (*c*) To make a financial decision without the consent of the British financial adviser. (*d*) To disregard the decision of the Caisse de la Debte. This body consisted of an Englishman, a Frenchman, an Austrian, an Italian, a German, and a Russian. Its main business was to receive from duly qualified authorities and to disburse all sums required for the service of the funded debt. It could call on the Minister of Finance to make good deficiencies in the sums available for the Service of the Caisse when the periodical payment of interest fell due, but at the same time seized any surplus there might be on Budget. No taxes (which concerned revenues assigned to the Caisse) could be altered without its consent, and its permission was necessary before a loan could be raised. Its freedom of action was restricted by— (*e*) The Railway Board. (*f*) The Daira Commission (up to 1899). (*g*) The Domains Commission. Since the Anglo-French agreement of 1904 though Egypt still cannot tax foreigners without their consent nor raise new loans without the consent of Turkey, it has a freer hand in the disposal of its own resources so long as punctual payment of interest on the debt is secured. The Railway Board and Daira Commission have disappeared, and though the	The Consul General, who is the diplomatic agent for the British Government. His duty is to carry out the policy of the Government which he serves.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Egypt (*cont.*)	treaties, other than commercial, with foreign States. (3) The Khedive cannot abandon to a third party any of the territorial rights of the Sultan. (4) The Egyptian Army may not exceed 18,000 men. (5) The coinage of Egypt is issued in the name of the Sultan. England's occupation dates from 1882, when this country determined to put an end to the general unrest which culminated in the national movement led by Ahmed Arabi against the Turkish and European Powers. Her original intention was to retire on	wishes of what is the protecting Power; he rules through the British Advisers who are attached to each Ministry; he is the ultimate authority on all matters which the protecting power considers to come within his decision. In theory the British officials are simply servants of the Khedive. There are four judicial systems in Egypt, two applicable to Egyptian subjects only, one applicable to foreigners only, and one applicable to foreigners and to a certain extent natives also. This multiplicity is due to the Capitulations which apply to Egypt as part of the Turkish Empire and by which foreigners are exempt from the jurisdiction of the native courts. The indigenous tribunals of the country are the Mehkemehs, presided over by Cadis. At the present time they retain jurisdiction in matters of personal law (marriage, succession, guardianship, &c.) only, together with certain functions connected with the registration of title to land. In matters of personal law non-Mussulmans are, however, in general subject to their own Patriarchs or other religious chiefs. In other matters, natives are justiciable before the so-called Native Tribunals established in 1884–89. Three judges, of whom one is English, sit in each of	A candidate for election must be not less than thirty years old, able to read and write, and must pay direct taxes to the extent of not less than £30 a year. No direct tax can be imposed without the approval of the Assembly. The Assembly may express its views spontaneously on all economic, financial, and administrative questions. The Assembly must meet once in two years. As in the case of the Council, the Government are not compelled to accept the views of the General Assembly, but they are expected to state their reasons for failing to do so. The Council of Ministers with the Khedive is the ultimate legislative authority. Inferior to these two bodies are the Provincial Councils which deal with local matters. The total number of Provincial Councillors is 70: they are elected on a universal franchise. Each Provincial Council consists of from eight to three members according to the size of the Moudirieh. The Moudir is the President. The Provincial Council can only be called together by the Moudir, who must secure a Khedivial Decree laying down the time and duration of the meeting.

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.

Caisse remains, it is shorn of all political and administrative powers, its function being limited to receiving the assigned revenues and assuring the due payment of the coupon. When the Caisse has received enough from the land revenue to pay the coupons it is now compelled to return the surplus to the Government. The Reserve fund of 6 millions, built up by the Caisse, has passed into the hands of the Government.

The Capitulations.

In the fifteenth and sixteenth centuries concessions were given by the Sultan of Turkey to foreign traders in order that they might carry on their business without molestation. Made at a time when the foreigners had very little power, they have subsequently taken a new and formidable shape. They are now to be seen in

(1) A foreigner committing a criminal offence is tried by his own consul.

(2) Immunity from taxation except customs.

(3) Inviolability of domiciles.

As a result of the Convention of London (1885) it was arranged from 1887 that foreigners should pay the House tax—the heaviest direct tax: the same treatment was suggested for licence and stamp duties, but owing to outcry amongst foreigners in the country it was found impossible to carry the new arrangement into practice.

Territory.	Status and nature of Constitution.	Executive.	Legislature.
Egypt (*cont.*)	the restoration of order, but it was found impossible to carry out this undertaking. By the Anglo-French Convention of April 8th, 1904, British occupation was recognised by France, the most important Power concerned, while the British Government declared that it had no intention of altering the political status of Egypt.	the Courts of First Instance, and the Court of Appeal has about half its members European. Mixed Tribunals were instituted in 1876, consisting partly of native, partly of foreign judges, with jurisdiction in civil matters between natives and foreigners, and between foreigners of different nationalities. They have also a limited penal jurisdiction in cases of police offences, and in 1900 penal jurisdiction was conferred upon them in connection with offences against the bankruptcy laws. Civil cases between foreigners of the same nationality are tried by their own Consular Courts, which also try criminal cases not within the jurisdiction of the Mixed Tribunals, in which the accused are foreigners. In many of the most important provincial towns "mixed municipalities" have been established. Europeans and Egyptians both take part in these. (The "Capitulations" have been a bar to their progress, as payment of rates cannot be made compulsory on anyone, native or foreign.) Further, in a large number of other towns, Local Commissions have been appointed which administer the funds placed at their disposal by the Egyptian Government. Before 1904 three	

Restrictions or reservations in respect of administrative or legislative powers.	Official intermediary between national and Imperial Governments.

Territory.	Status and nature of Constitution.	Executive.	Legislature
Egypt (*cont.*)		"mixed administrations" existed, (*a*) The Railway Board. (*b*) The Commission of the Daira. (*c*) The Commission of the Domains. Each consisted of three members, (1) an English man, (2) a Frenchman, (3) an Egyptian. They enjoyed a quasi-independence conferred by decrees which, as they formed a part of the arrangement between Egypt and her creditors, were practically unalterable without the consent of the Powers. But since the Anglo-French agreement of 1904 Egypt administers the railways as she pleases, the revenue from it being no longer ear-marked for the debt; the Daira estates have been purchased by a company and resold in small lots, the debt being thus paid off. The Domains alone remains a mixed administration, but the loan will now very shortly be paid off, and a valuable property will fall in to the Government. (The Daira Loan was originally 9½, the Domains 8½ millions.)	

Restrictions or reservations in respect of administrative or legislative powers.	Official ntermediary between national and Imperial Governments.

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